



{In Archive} Fw: Comments on KDHE APE report

Diane Huffman to: Mary Mindrup

11/29/2011 05:28 PM

Archive:

This message is being viewed in an archive.

Mary,

Not sure where you are in the commenting process - came across this email - Scott's comments to Doug.

Diane L. Huffman

Branch Chief

Water Enforcement Branch

WWPD/WENF

EPA Region 7

901 N. 5th Street

Kansas City, KS 66101

Ph: 913-551-7544, Fax: 913-551-9544

----- Forwarded by Diane Huffman/R7/USEPA/US on 11/29/2011 05:27 PM -----

From: Scott Marquess/SUPR/R7/USEPA/US

To: Doug Brune/R7/USEPA/US@EPA

Cc: Diane Huffman/R7/USEPA/US@EPA

Date: 11/22/2011 04:14 PM

Subject: Comments on KDHE APE report

Doug,

Attached are some suggested revisions and comments on the draft KS APE. The comments are not comprehensive given the limited review time.

I'll be out until next Tues, when I'll be working from home.

Scott



APE - doug - revised.doc

{In Archive} Comments on KDHE APE report

Scott Marquess to: Doug Brune

11/22/2011 04:14 PM

Cc: Diane Huffman

History: This message has been forwarded.

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APE - doug - revised.doc

{In Archive} Fw: KS APE rpt

Scott Marquess to: Diane Huffman

11/22/2011 10:43 AM

Archive: This message is being viewed in an archive.

FYI

Any word from Mary as to her comments?

----- Forwarded by Scott Marquess/SUPR/R7/USEPA/US on 11/22/2011 10:43 AM -----

From: Doug Brune/R7/USEPA/US
To: Scott Marquess/SUPR/R7/USEPA/US@EPA
Date: 11/22/2011 08:41 AM
Subject: Re: KS APE rpt



KS Full Program Evaluation September 2011_Draft.doc

I'll look at the ENF write-up this morning.

Doug Brune, Environmental Engineer
Drinking Water Management Branch
Water, Wetlands, and Pesticides Division
US EPA Region 7
901 N 5th Street
Kansas City, KS 66101
913-551-7178

Adversity causes some to break and others to break records. William A. Ward

Scott Marquess	Doug, Can you please send me an e-copy? Eas...	11/21/2011 02:12:32 PM
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From: Scott Marquess/SUPR/R7/USEPA/US
To: Doug Brune/R7/USEPA/US@EPA
Date: 11/21/2011 02:12 PM
Subject: KS APE rpt

Doug,

Can you please send me an e-copy? Easier for commenting.

Any comments on the Enforcement writeup?

thanks
Scott

{In Archive} Fw: KDHE DW APE - enforcement report
Scott Marquess to: Diane Huffman

11/16/2011 03:55 PM

History: This message has been replied to.
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Diane,

I talked briefly with Karen in the hallway about this report. She said she had no problems and no significant comments, so I'm not anticipating any changes to the report based on her review.

Please let me know if you have any comments.

thanks
Scott

----- Forwarded by Scott Marquess/SUPR/R7/USEPA/US on 11/16/2011 03:53 PM -----

From: Scott Marquess/SUPR/R7/USEPA/US
To: Diane Huffman/R7/USEPA/US@EPA
Date: 10/19/2011 03:55 PM
Subject: KDHE DW APE - enforcement report

Diane,

Attached is my initial draft of the enforcement component of the KDHE DW APE. The report does not mention the blood that was shed in the making of the report.

I've shared this with DRWM/Doug, asking if he has any comments, expecting the same courtesy in return.

The draft APE report is due to KDHE by approx October 29, which is 30 days after the exit conference.

The intent would be to integrate the enforcement findings into the rest of the program report as we did in the MDNR APE rpt.

Please let me know if you have any questions/comments.

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Scott



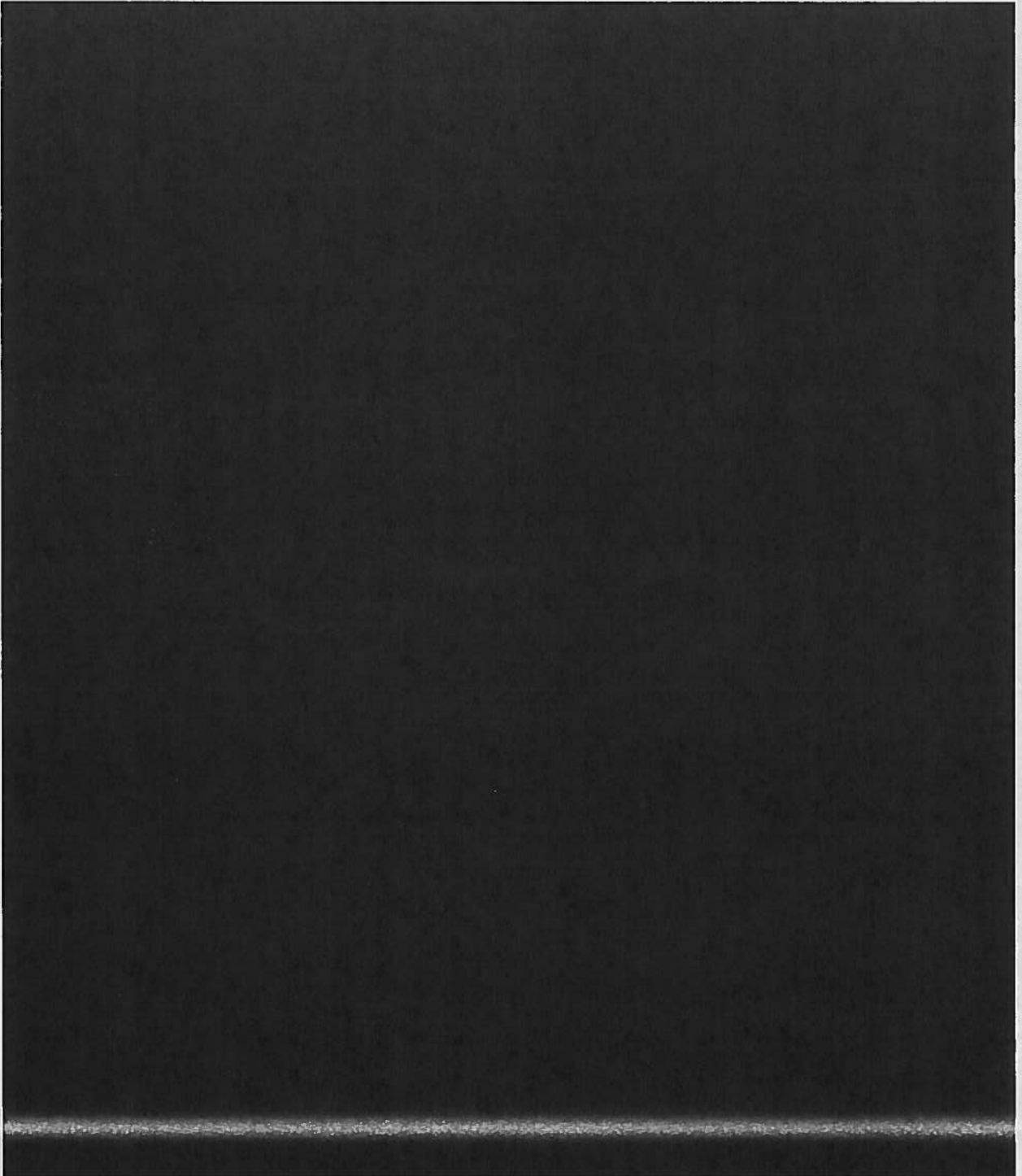
enforcement report2.doc

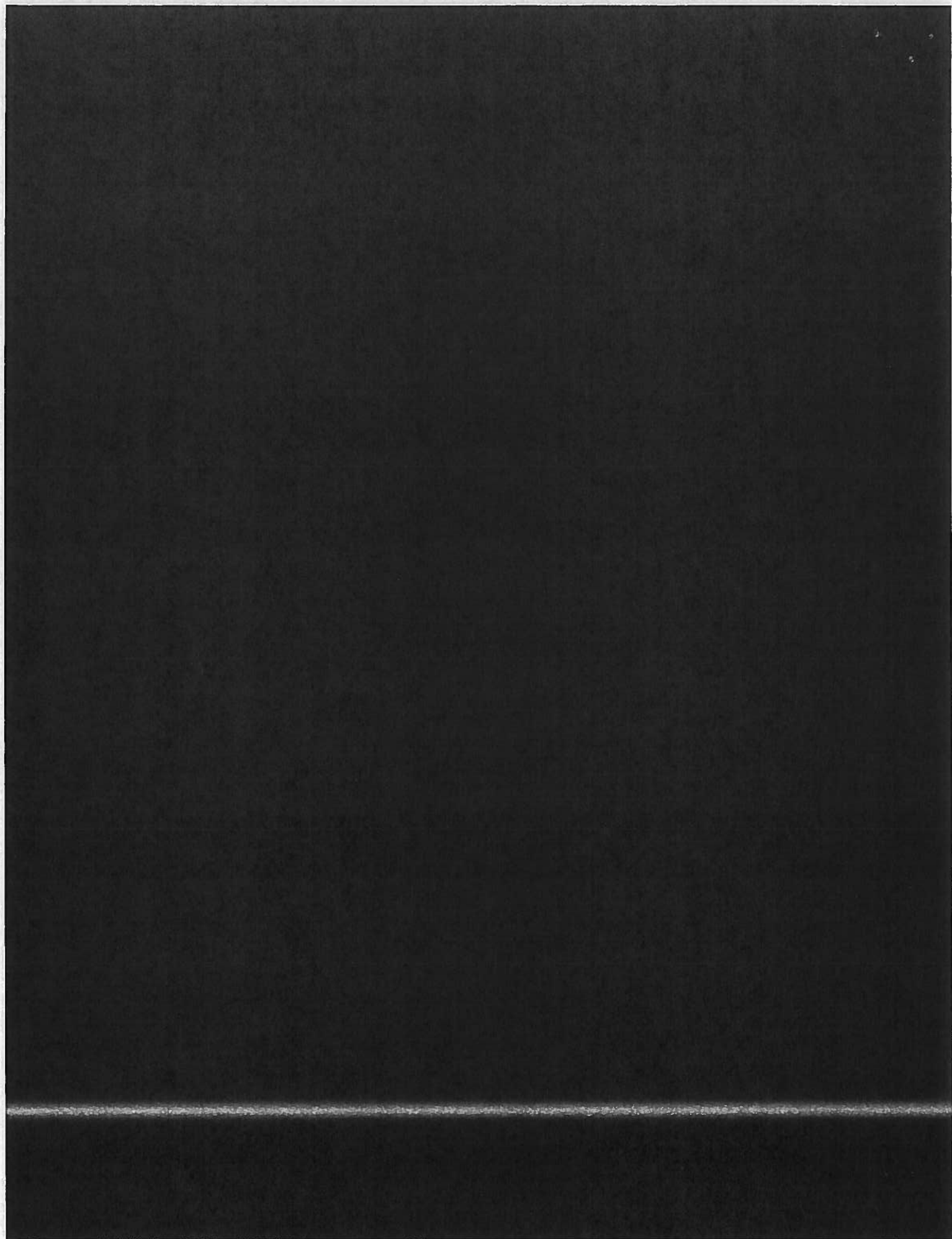
Summary of Findings

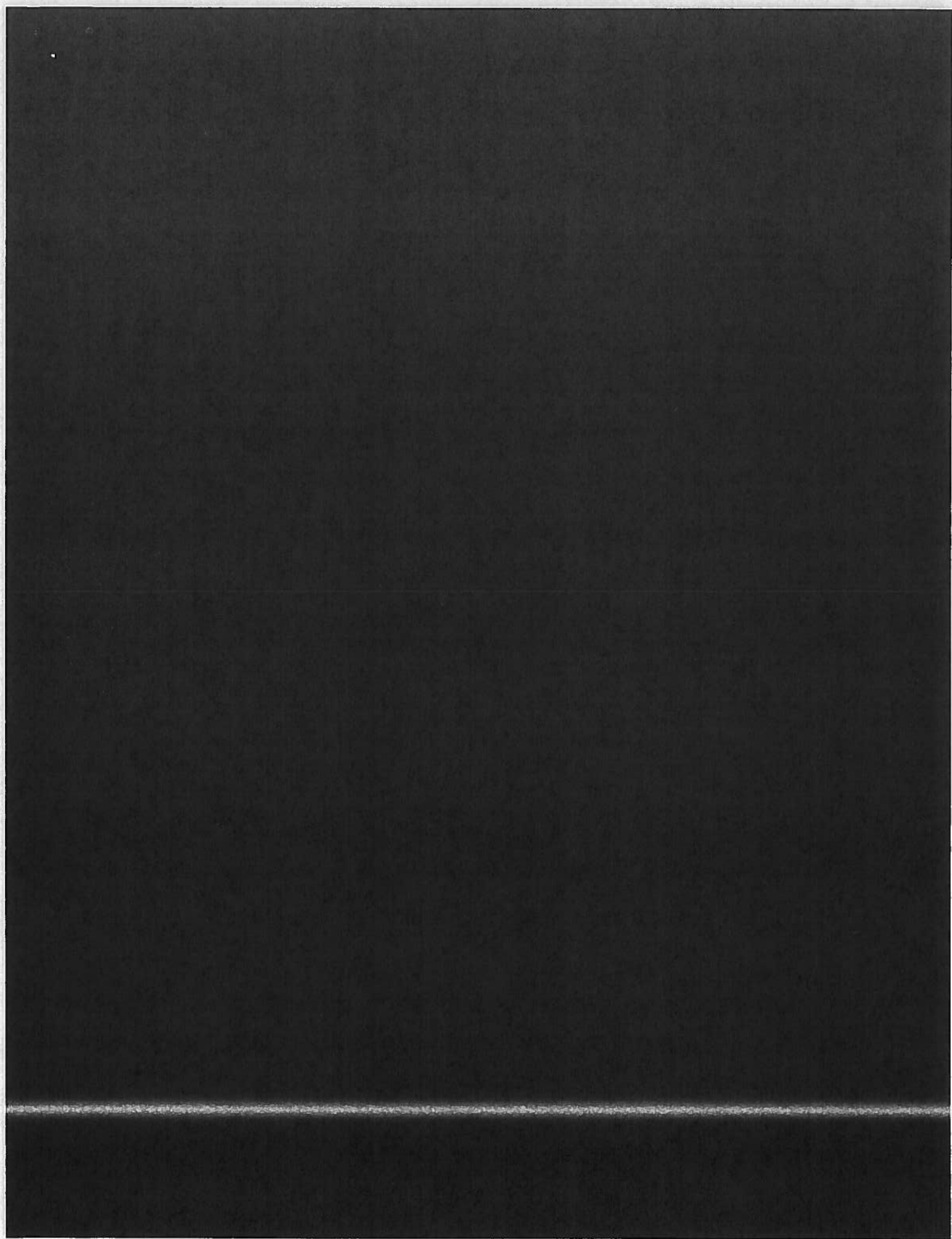
Highlights

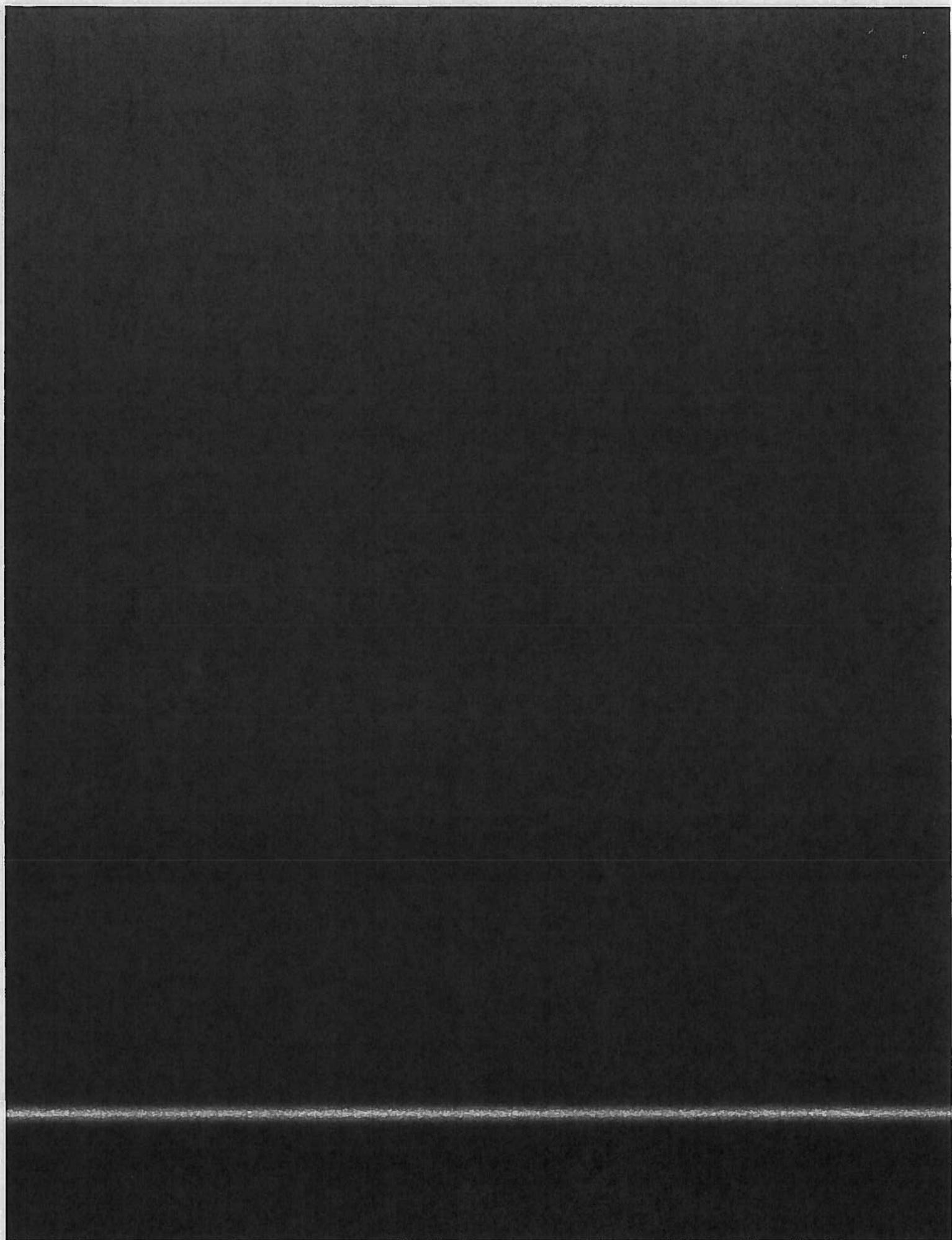
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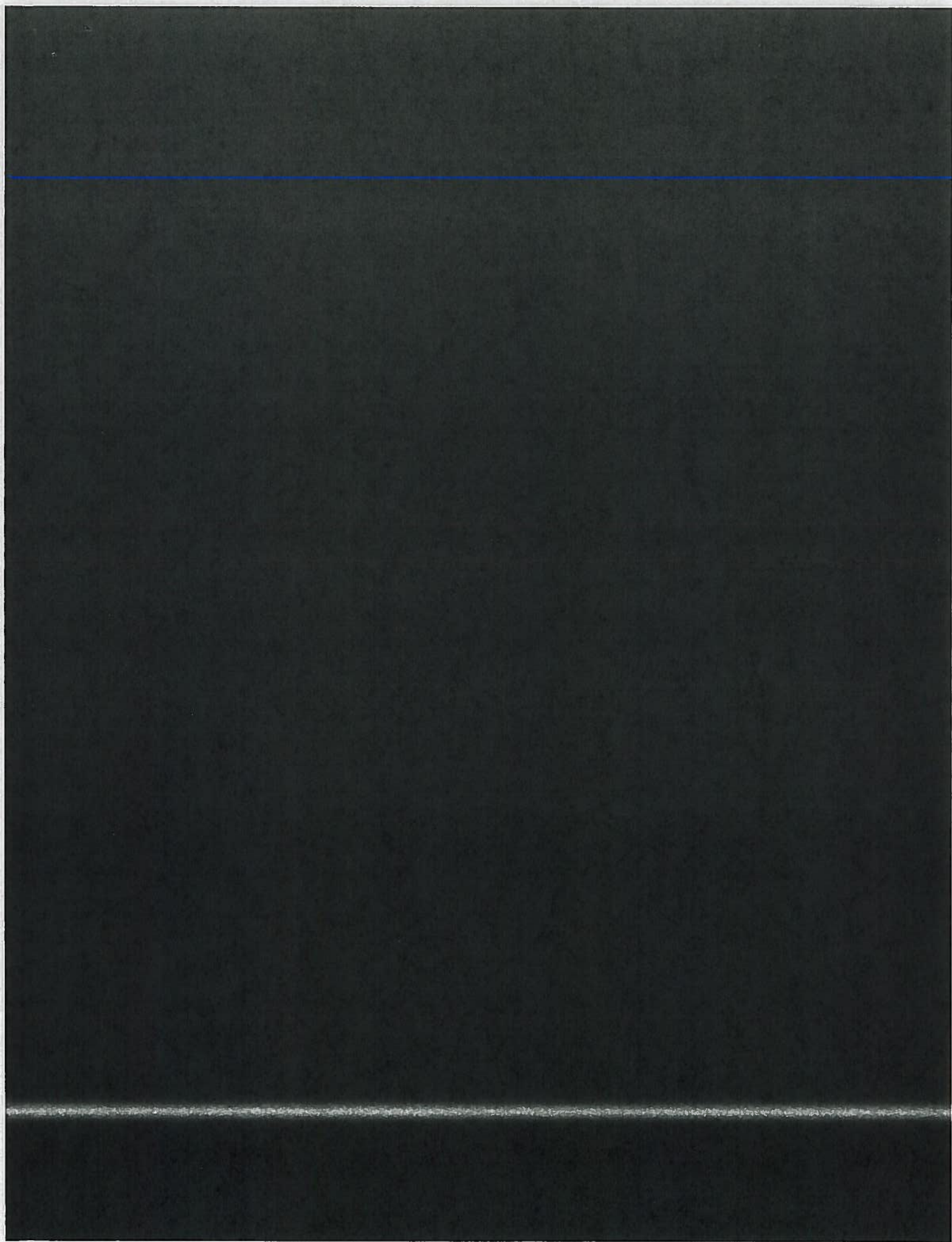
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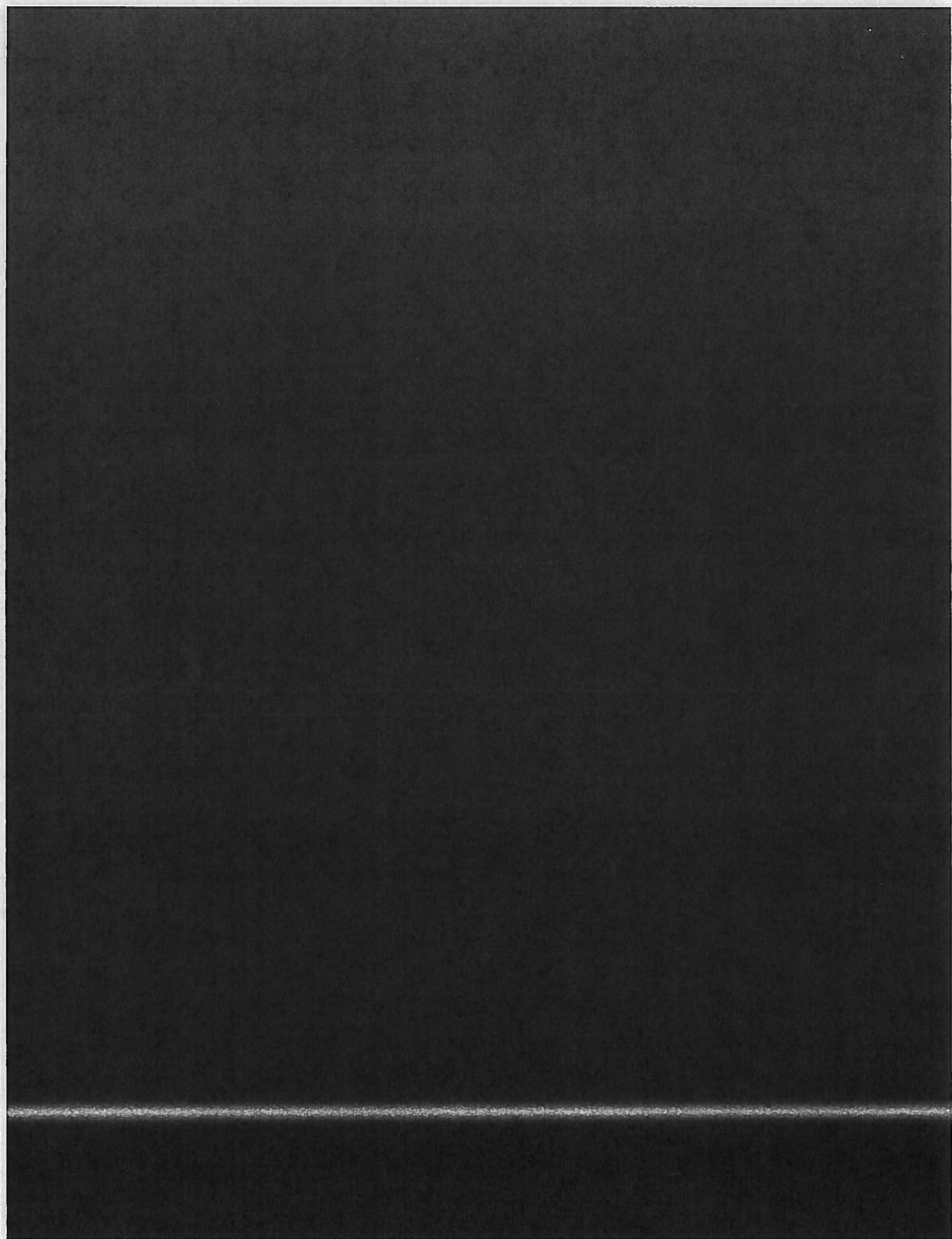


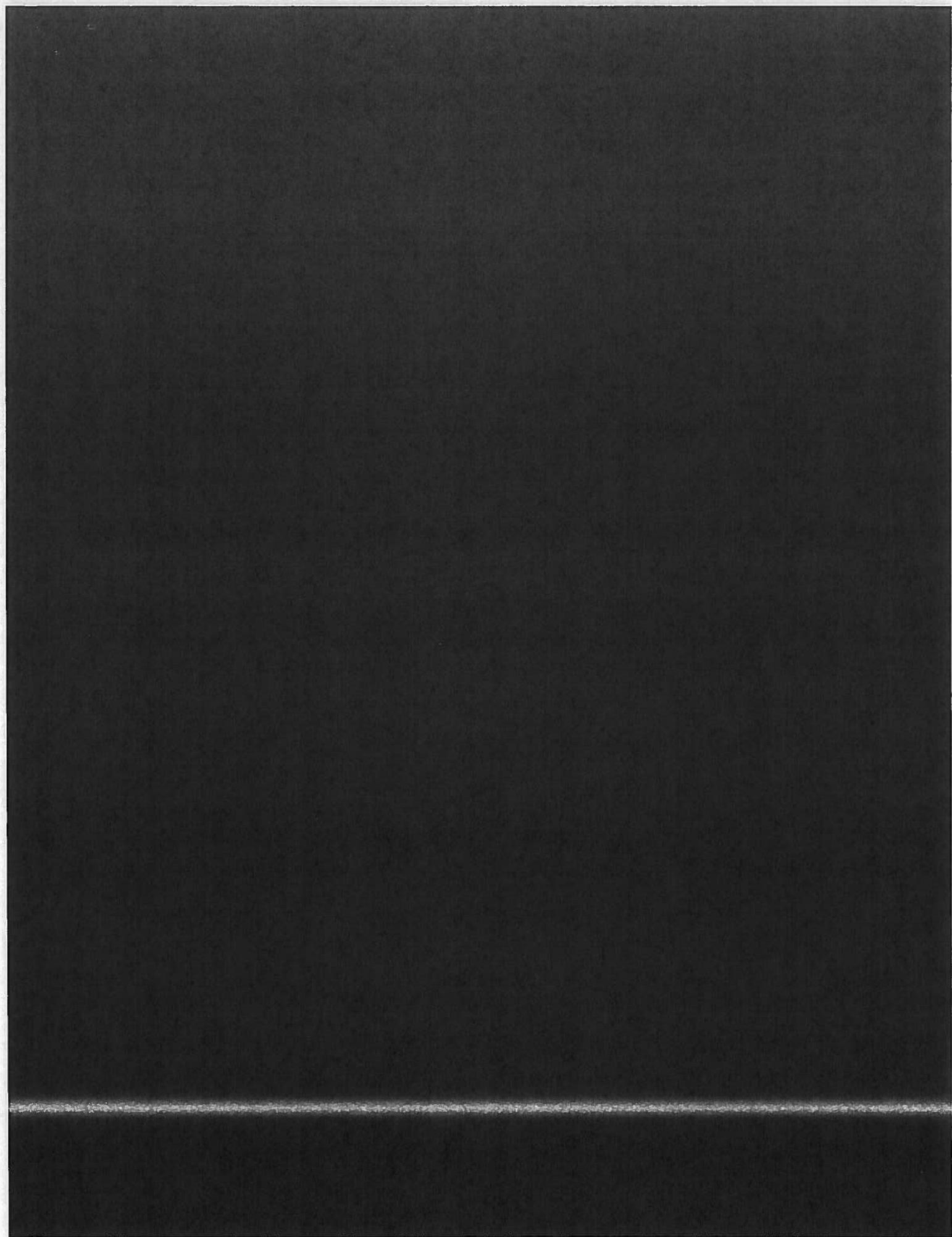


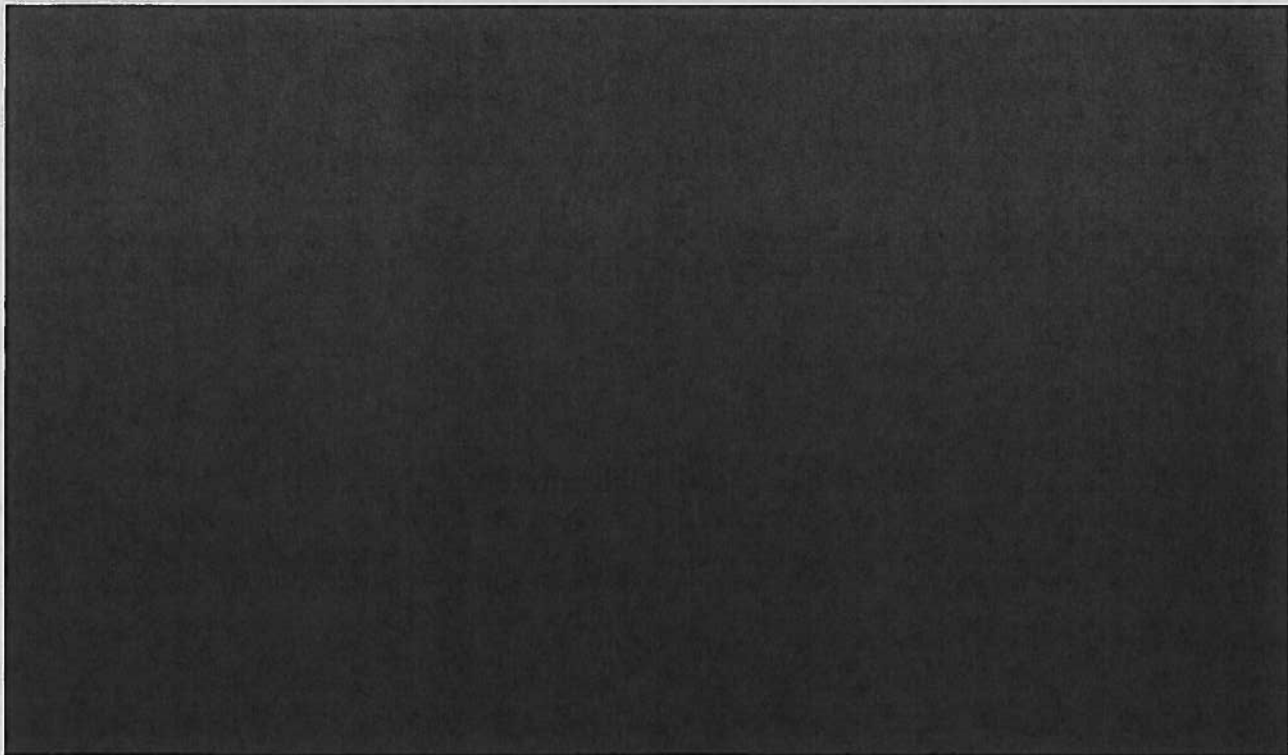




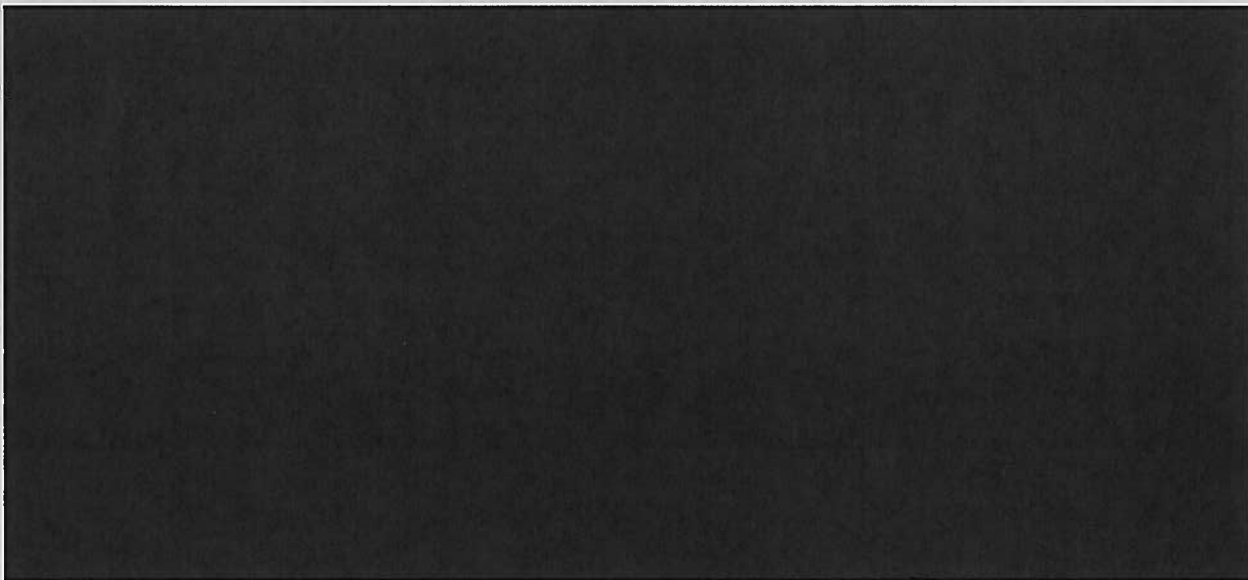








Effectiveness of Enforcement – Part 1

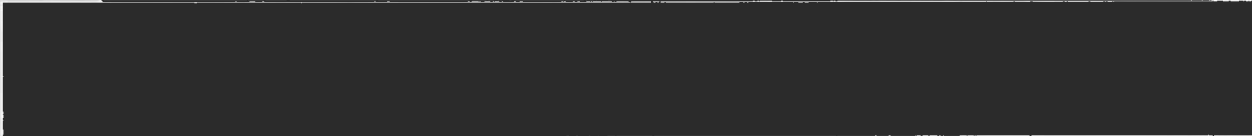


Some pertinent details regarding these (top 11 ETT-scoring) non-compliant systems are outlined in the table below:

Table x – Summary of High Priority, Non-Compliant PWSs in Kansas

PWS Name	PWS ID	ETT Score	Non-	Enforcement	Current
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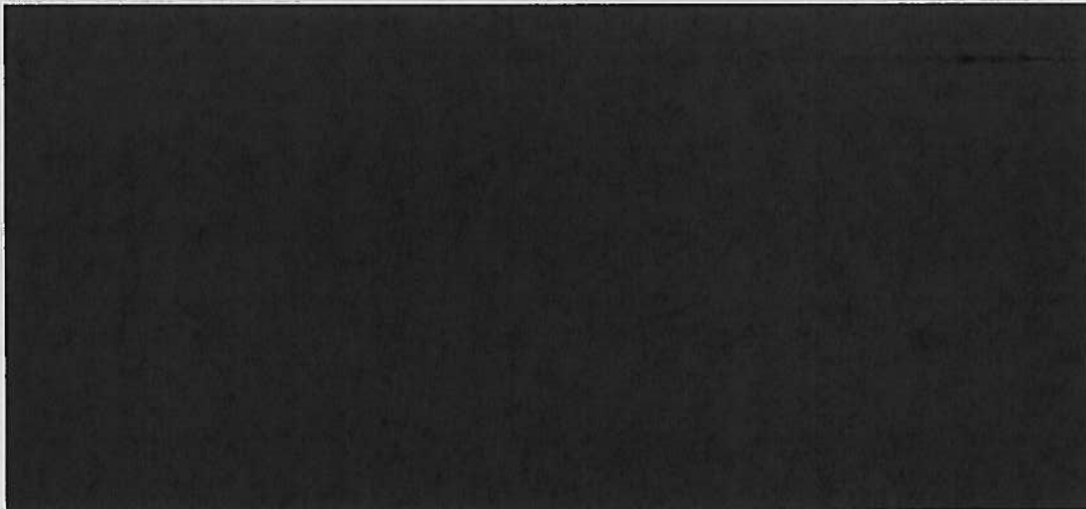
		(July 2011)	Compliance Driver	Action-Date	Status
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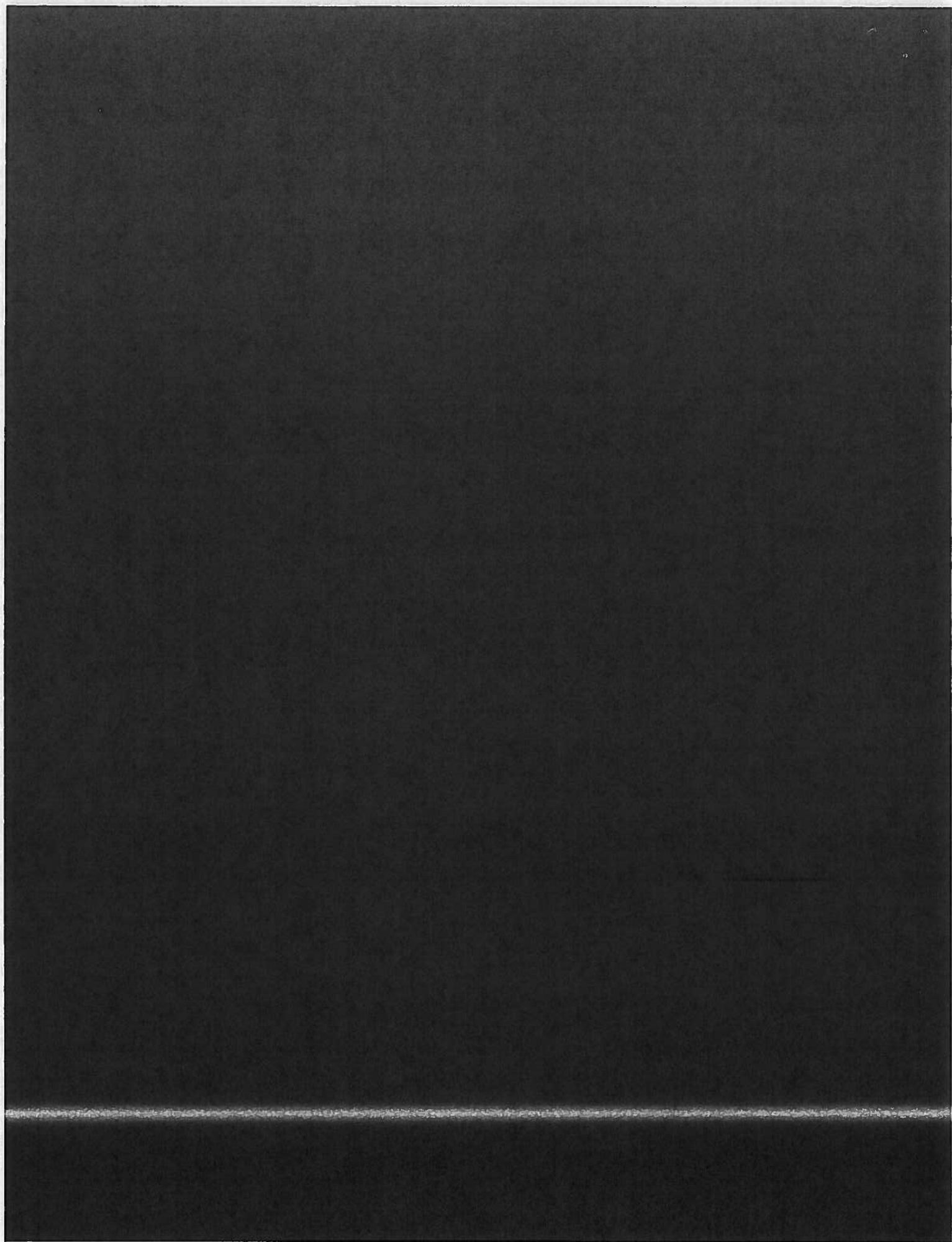
Pretty Prairie	KS2015501	133	Nitrate MCL	SFJ – 11/07	Non- compliant
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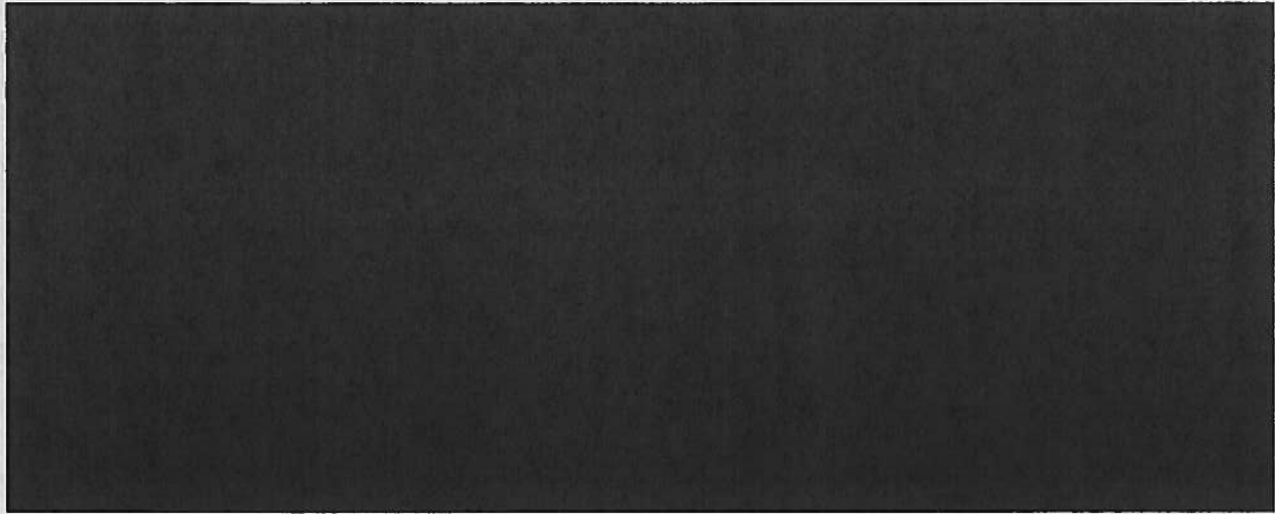


To summarize the status of these PWSs:



- Some systems are stagnant, with little progress towards resolving violations (Pretty Prairie, Conway Springs (regionalization), Sumner Co. 5 (regionalization), Mitchell Co. 3 (regionalization))

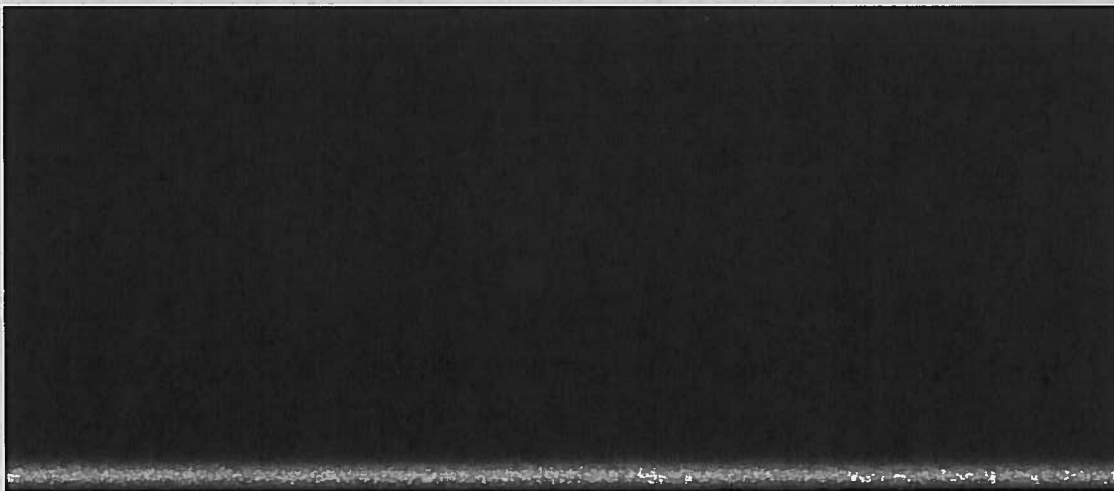


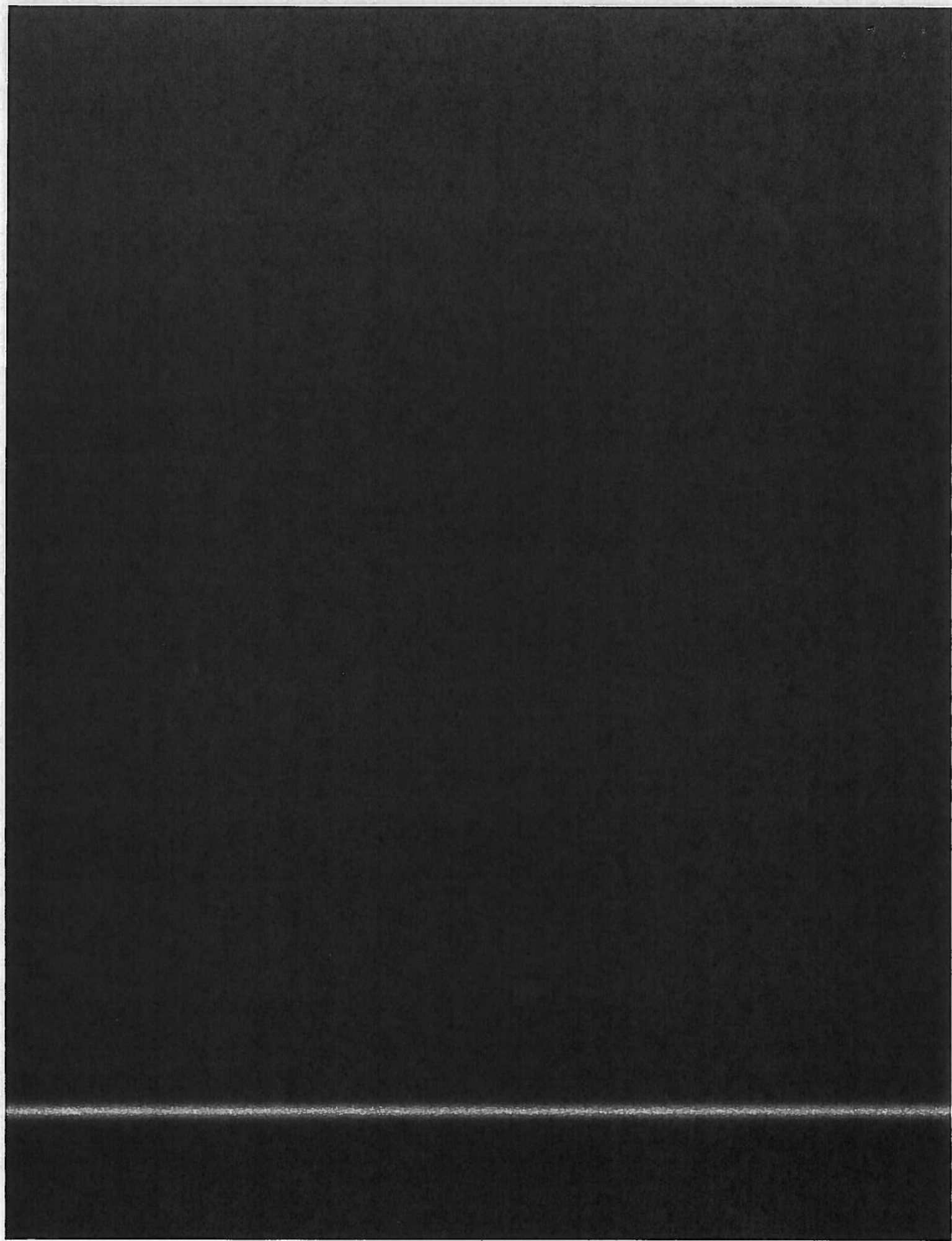


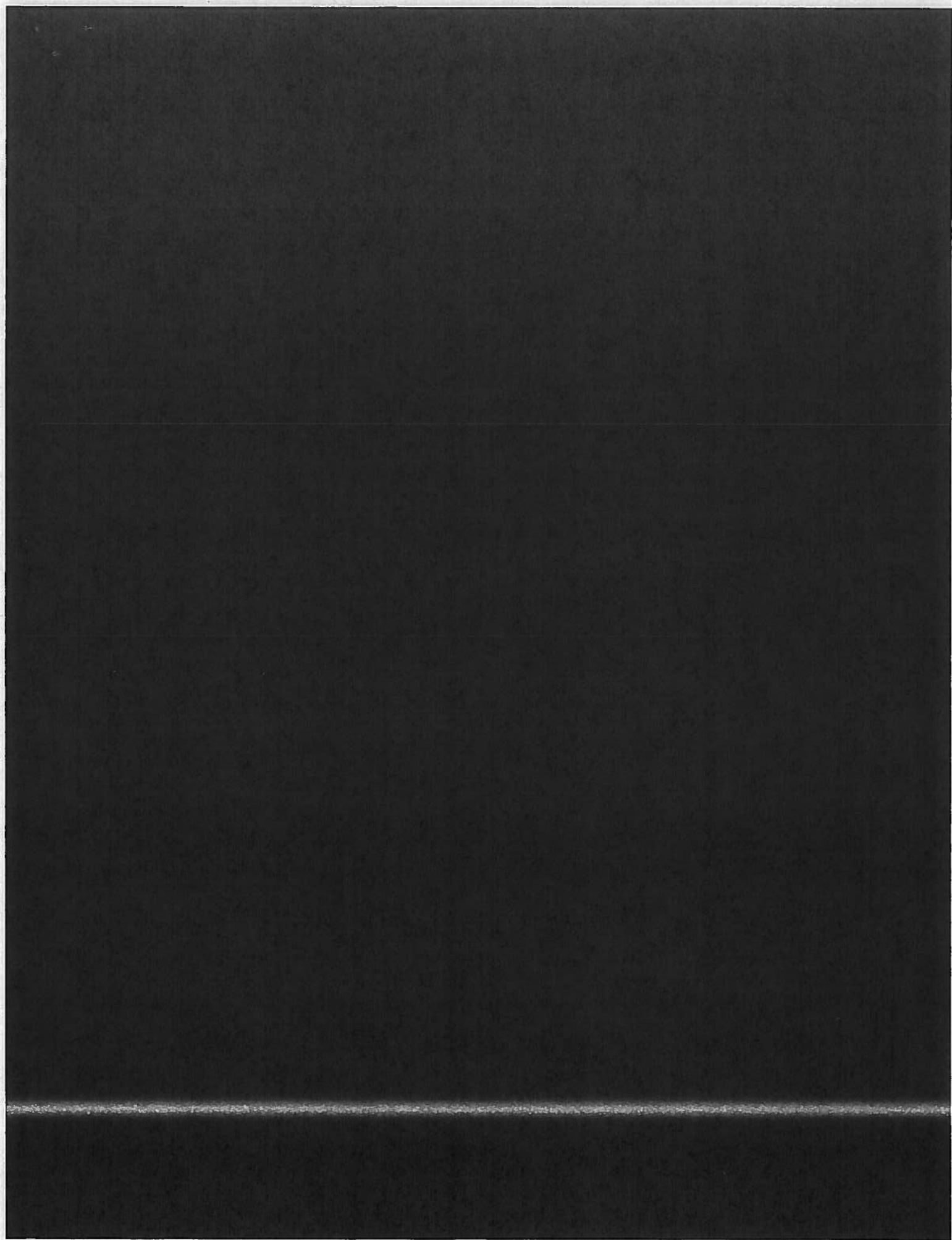
Recommendations - Effectiveness of Enforcement – Part 1

[REDACTED]

EPA acknowledges long-standing compliance issues with Pretty Prairie, which remains subject to an action based upon KDHE's now defunct "Nitrate Strategy". EPA wishes to work with KDHE to develop a strategy for returning this and similar systems to compliance.

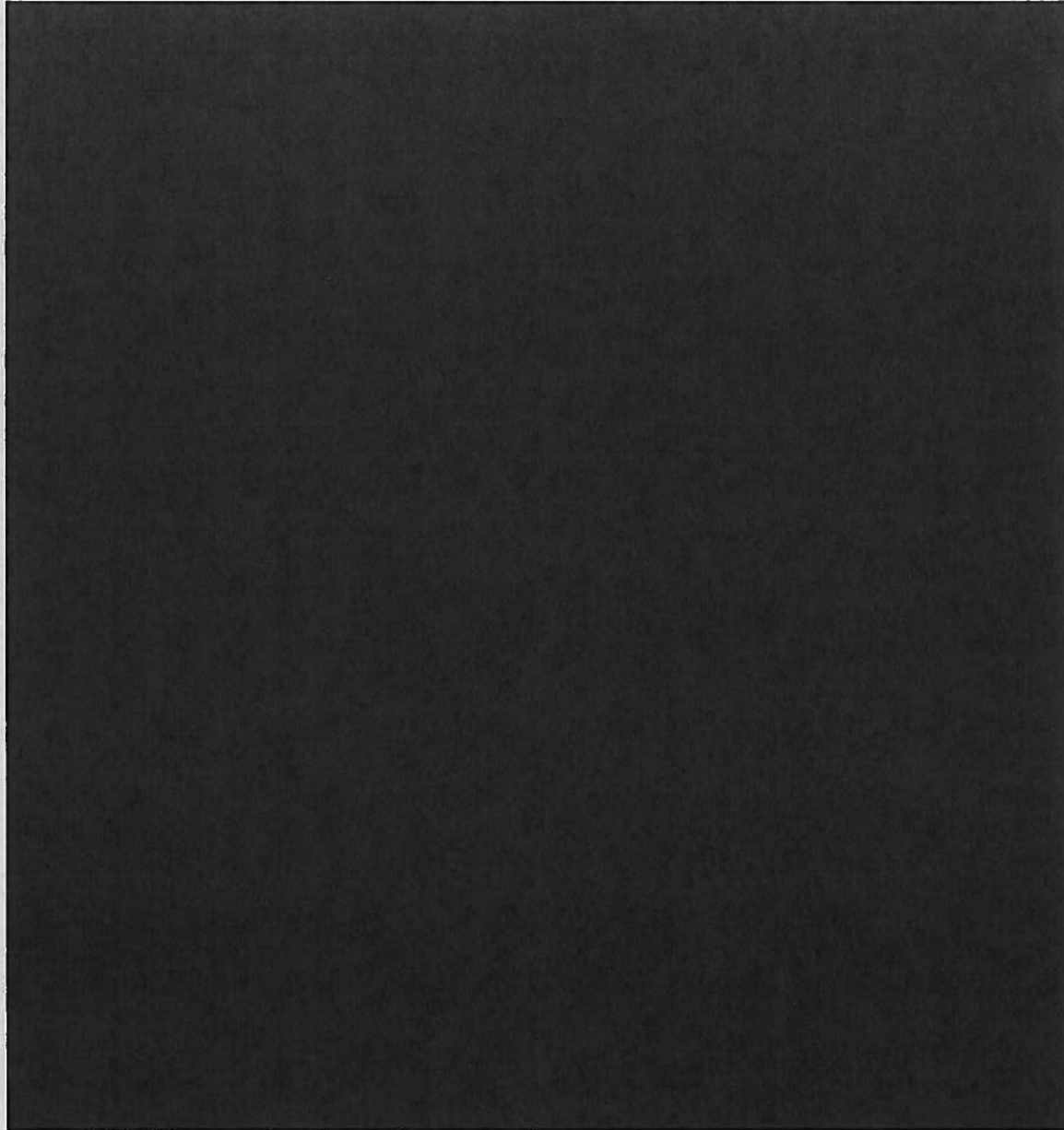




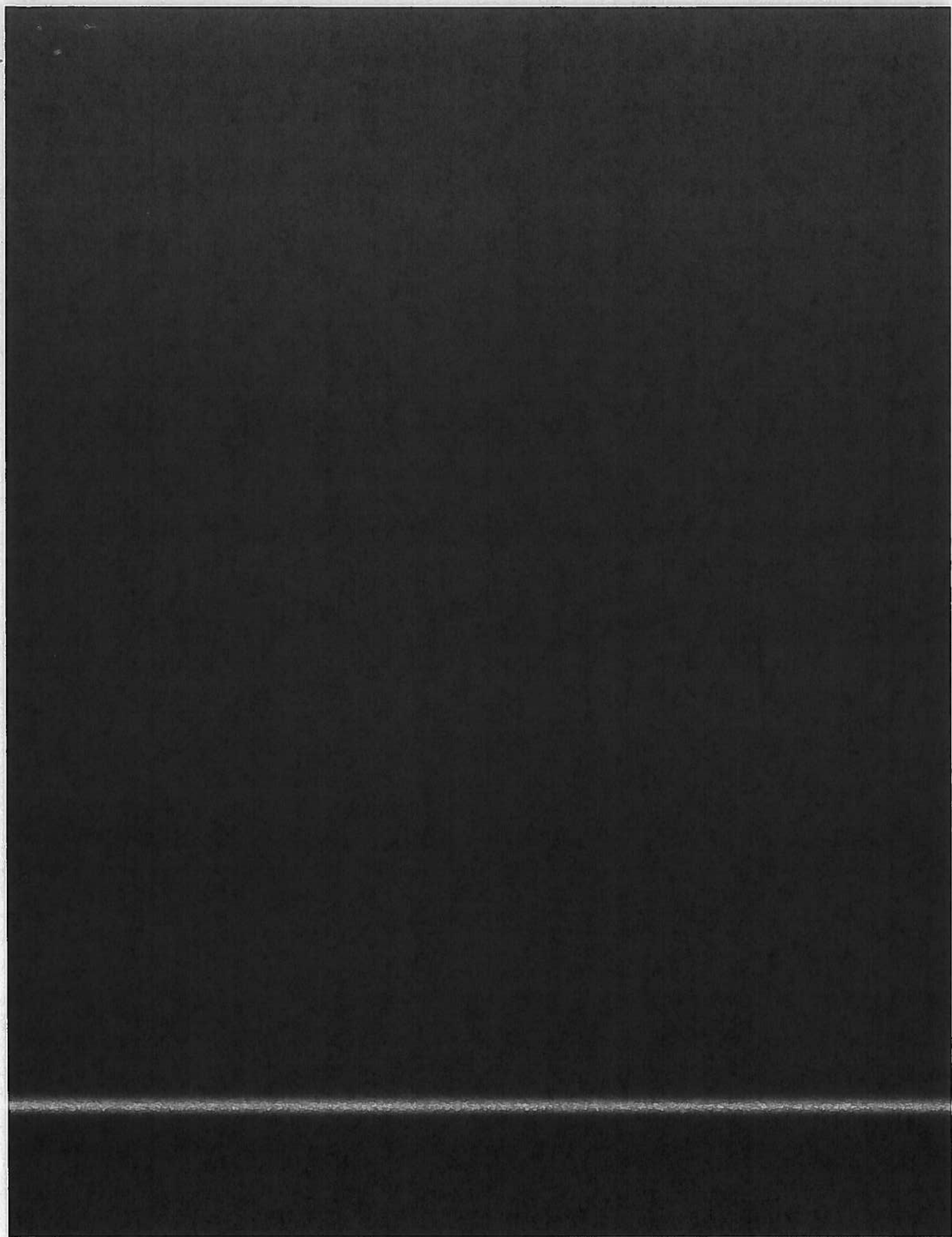


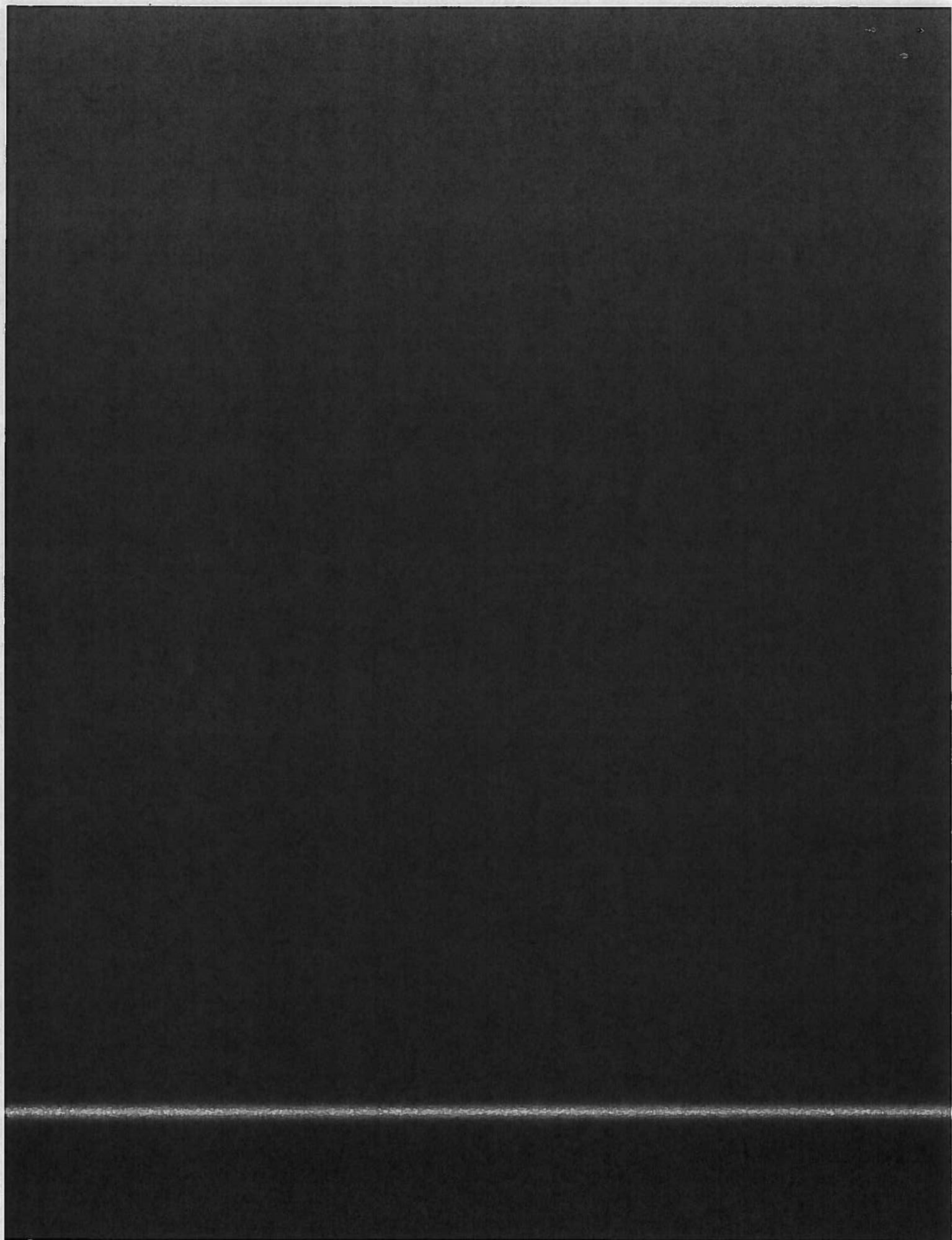
do not require that the PWS ultimately implement corrective actions to abate their violation(s).

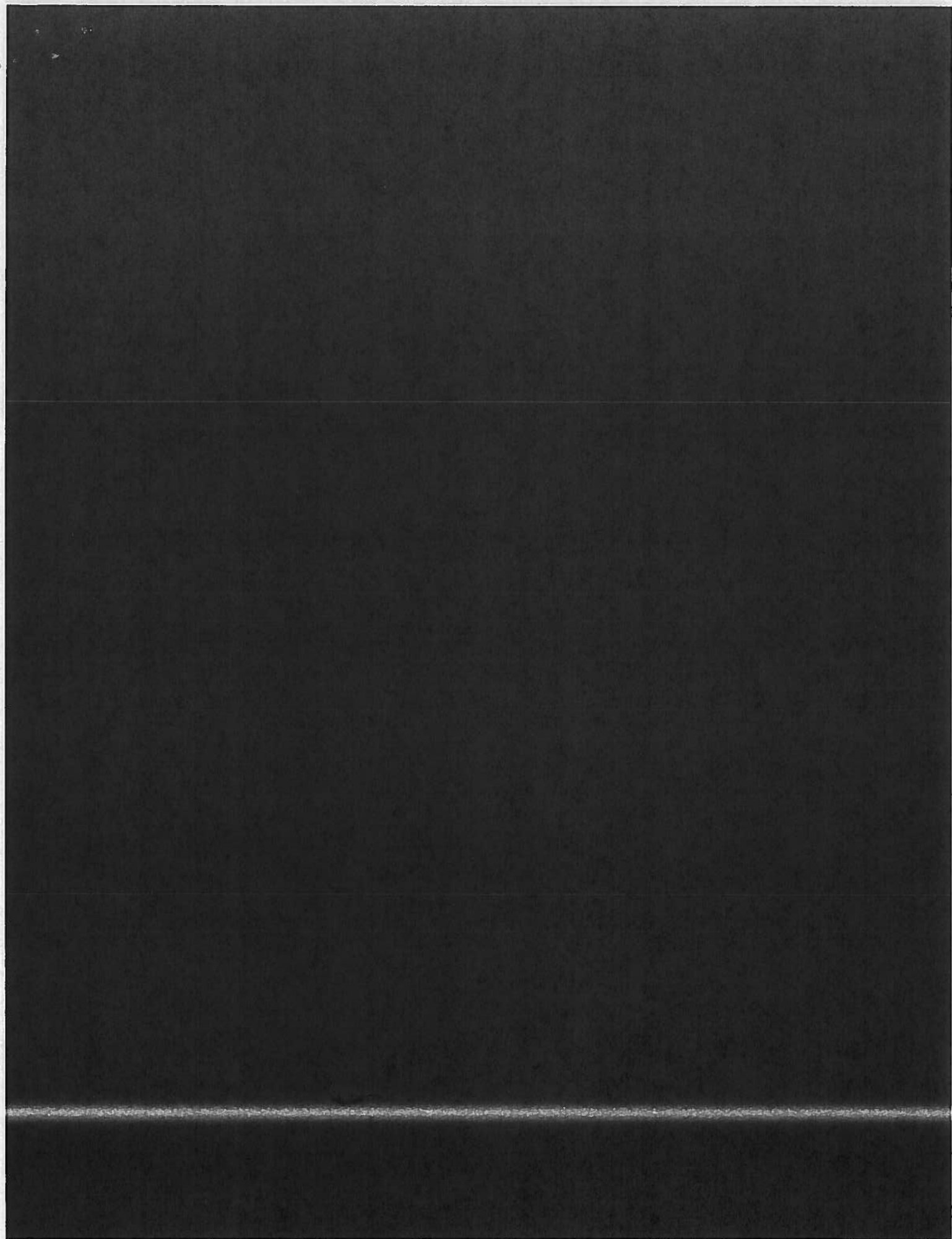
Recommendations- Effectiveness of Enforcement Part 2

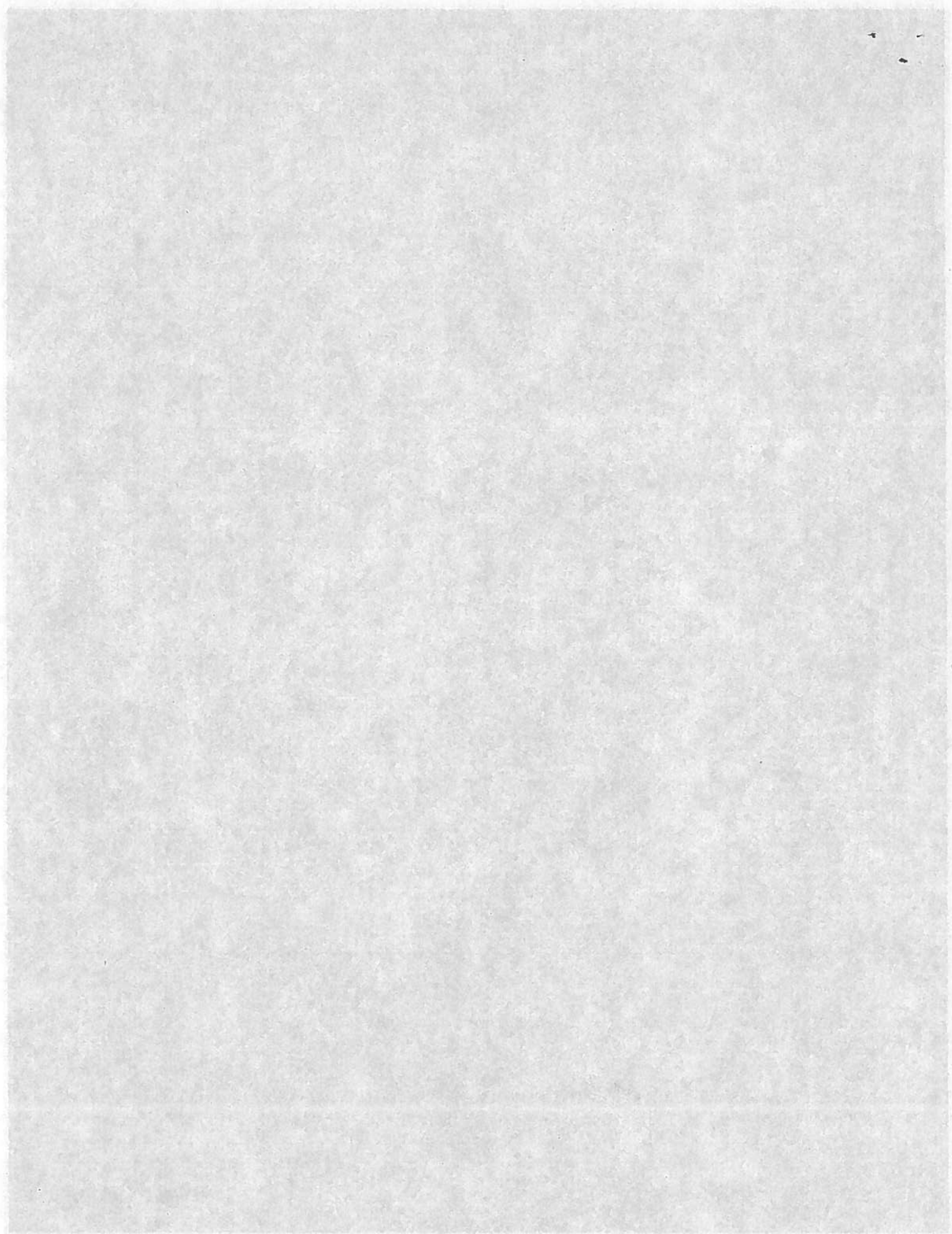


_____ As noted previously regarding Pretty Prairie, EPA wishes to work with KDHE to develop a strategy for returning these and similar systems to compliance.











{In Archive} Fw: Feedback Wanted - Pretty Prairie draft letter
Diane Huffman to: Leslie Humphrey, David Cozad

05/12/2008 03:17 PM

History: This message has been replied to.

Archive: This message is being viewed in an archive.

We can add in the threat to refer to DOJ if you think it could actually happen.

Diane L. Huffman
Branch Chief
Water Enforcement Branch
WWPD/WENF
EPA Region 7
901 N. 5th Street
Kansas City, KS 66101
Ph: 913-551-7544, Fax: 913-551-7765

----- Forwarded by Diane Huffman/R7/USEPA/US on 05/12/2008 03:17 PM -----



Stacie Tucker/R7/USEPA/US

05/12/2008 12:55 PM

To Monica Wurtz/R7/USEPA/US@EPA

cc Chris Dudding/R7/USEPA/US@EPA, Diane
Huffman/WWPD/R7/USEPA/US@EPA, Ken
Deason/R7/USEPA/US@EPA

Subject Fw: Feedback Wanted - Pretty Prairie draft letter

Here is the letter. I agree with Chris' suggested changes:



Pretty Prairie PWS Nitrate Letter from CD 5.12.08.doc

Chris - maybe you can use what you snipped for the letter you're drafting to KDHE?

Sincerely,
Stacie

Stacie Tucker
U.S. EPA, Region 7
WWPD / WENF
Office 913.551.7715
Fax 913.551.9715
Tucker.Stacie@epa.gov

*Help EPA fight pollution by reporting potential environmental violations on EPA's website at:
<http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Stacie Tucker/R7/USEPA/US on 05/12/2008 12:12 PM -----



Chris Dudding/R7/USEPA/US

05/12/2008 11:45 AM

To Stacie Tucker/R7/USEPA/US@EPA

cc

Subject Re: Feedback Wanted - Pretty Prairie draft letter

Took it home and spent some time winnowing down the letter on Saturday morning, trying to get it as short and sweet as possible. To this end, I did snip quite a bit.

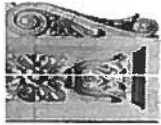
I suggest reading the "final" version and see if it conveys your intent before focusing on what I moved around or took out or commented on in the "final with markup" version.

Holler at me when you get a chance to review.



letter to city.doc

Chris R. Dudding
Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region VII
901 North 5th Street
Kansas City, Kansas 66101
913-551-7524
Facsimile 913-551-9524 or 7925
dudding.chris@epa.gov



{In Archive} Re: Fw: Feedback Wanted - Pretty Prairie draft letter 

Diane Huffman to: Leslie Humphrey

05/13/2008 07:50 AM

Cc: David Cozad

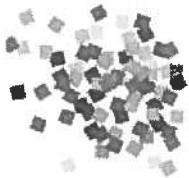
History: This message has been replied to.

Archive: This message is being viewed in an archive.

Spoke to Art about it this morning. He recommends we touch base with Rich Hood on the issue which we will do.

Thanks,

Diane L. Huffman
Branch Chief
Water Enforcement Branch
WWPD/WENF
EPA Region 7
901 N. 5th Street
Kansas City, KS 66101
Ph: 913-551-7544, Fax: 913-551-7765
Leslie Humphrey/R7/USEPA/US



Leslie
Humphrey/R7/USEPA/US
05/13/2008 07:40 AM

To Diane Huffman/R7/USEPA/US@EPA
cc David Cozad/CNSL/R7/USEPA/US@EPA
Subject Re: Fw: Feedback Wanted - Pretty Prairie draft letter 

Diane - I think the letter is well-written. I don't think we need to add a specific reference to the possibility of a referral to DOJ for a variety of reasons, the best of which is that I think you've got that alternative covered when you inform them that their failure to comply "may subject the system to legal action by KDHE and/or EPA seeking . . .".

Please let me know if you need anything else.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Article No.:

Honorable Curt Miller
Mayor of Pretty Prairie
119 West Main Street
Pretty Prairie, KS 67570

Dear Mayor Miller:

Re: Pretty Prairie Public Water System
PWS ID: KS2015501

This letter is a response to correspondence dated April 16, 2008 sent to the United States Environmental Protection Agency, Region VII (EPA) by the city of Pretty Prairie, KS, addressing the issue of ongoing nitrates violations at the Pretty Prairie Public Water System (PWS or system).

A Public Water System is required by the federal Safe Drinking Water Act (SDWA), 42 U.S.C. § 300f et seq., to comply with the National Primary Drinking Water Regulations (NPDWR). The NPDWR sets out Maximum Contaminant Levels (MCLs) for various contaminants, which are the highest levels at which a contaminant may be legally allowed in water provided to the public. The MCL for nitrate is 10 parts per million (ppm or mg/L).

The Pretty Prairie PWS has a documented history of exceeding the 10 ppm nitrate MCL. Ongoing violations of the nitrate MCL increases consumer exposure to the public health risks associated with nitrate and consequently must be addressed by reducing the level of nitrates in the water supplied by the system. As EPA has noted in previous correspondence with Pretty Prairie, provision of bottled water to the public by a PWS, while an acceptable temporary measure to avoid unreasonable risk to health, does not exempt a PWS from its legal requirement to comply with the nitrate MCL.

The State of Kansas has enacted regulations which are at least as stringent as the federal NPDWR, and has primary enforcement authority for the federal drinking water requirements in Kansas, through the Kansas Department of Health and the Environment (KDHE). Accordingly, the EPA is referring your request for a meeting on the nitrate violations to the KDHE. EPA encourages the city of Pretty Prairie to work with the KDHE to take decisive action to come into compliance with the nitrate MCL. Such action should include, as a minimum, entering into an agreement with KDHE, by no later

than September 30, 2008, which will enact a mutually acceptable schedule for Pretty Prairie PWS to come into compliance with the nitrate MCL.

The EPA expects that such a compliance agreement between Pretty Prairie and the KDHE will promote measurable progress towards compliance, by the inclusion of clear milestones, an expected compliance date, and enforceable consequences for failure to adhere to the schedule. The Pretty Prairie PWS should achieve compliance with the nitrate MCL as soon as reasonably practicable, but no later than December 31, 2009. Failure to comply with the nitrate MCL, including failure to take required steps towards compliance, may subject the system to legal action by KDHE and/or EPA seeking civil penalties and/or injunctive relief requiring compliance.

EPA thanks Pretty Prairie for its efforts in exchanging information. If you have any questions regarding these issues, please contact Stacie Tucker, of my staff, at (913) 551-7715.

Sincerely,

William A. Spratlin
Director
Water, Wetlands and Pesticides Division

cc: Dave Waldo, Kansas Department of Health and Environment

bcc: Monica Wurtz, WWPD/DRWM

CONCURRENCE: WWPD: WENF: Tucker: H:\WENF\2008 Correspondence\Tucker\ Ltr to Pretty Prairie re Nitrates Issue 5.9.08.doc						
NAME	Tucker	Wurtz	Dudding	Mindrup	Huffman	Spratlin
DIV/ BRANCH	WWPD/ WENF	WWPD/ DRWM	CNSL	WWPD/ DRWM	WWPD/ WENF	WWPD
SIGN						
DATE						

{In Archive} Fw: KDHE DW APE - enforcement report
Scott Marquess to: Diane Huffman

11/16/2011 03:55 PM

History: This message has been replied to.
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Diane,

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Please let me know if you have any comments.

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From: Scott Marquess/SUPR/R7/USEPA/US
To: Diane Huffman/R7/USEPA/US@EPA
Date: 10/19/2011 03:55 PM
Subject: KDHE DW APE - enforcement report

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The intent would be to integrate the enforcement findings into the rest of the program report as we did in the MDNR APE rpt.

Please let me know if you have any questions/comments.

thanks
Scott



enforcement report2.doc

{In Archive} Fw: KDHE Drinking Water Pgm review rpt - enforcement

Scott Marquess to: Diane Huffman

11/07/2011 10:13 AM

Archive: This message is being viewed in an archive.

Diane,

I've not heard back from anyone on this so far. Appears that Doug B is back today, so things will hopefully start to move soon. If you have any comments or questions, please let me know.

thanks
Scott

----- Forwarded by Scott Marquess/SUPR/R7/USEPA/US on 11/07/2011 10:11 AM -----

From: Scott Marquess/SUPR/R7/USEPA/US
To: Karen Flournoy/R7/USEPA/US@EPA
Cc: Diane Huffman/R7/USEPA/US@EPA
Date: 10/28/2011 02:47 PM
Subject: KDHE Drinking Water Pgm review rpt - enforcement

Karen,

Diane said that you might be interested in reviewing the report out from our Annual Program Evaluation of the KDHE drinking water program that we conducted in September.

Attached is the enforcement write up for inclusion in the report. Doug Brune has been out on medical leave and won't return to the office until Nov 7. KDHE has agreed to allow us to extend the date for submitting the draft report to them until the week of Nov 21. When Doug returns and completes his write up of the "program" elements, we'll combine the program and enforcement components and get the report to KDHE.

The findings from the enforcement review were rather significant. Below is a summary of some highlights of what's included in the attached report:

- Currently, the top 11 ETT-scoring PWSs, and approximately 25 of the top 50 ETT-scoring PWSs in Region 7 are in Kansas. These systems have health-based violations, and a number of the systems have been non-compliant for a number of years. KDHE should take actions to compel these systems to return to compliance in a timely manner.
- EPA reviewed files from 14 PWSs that KDHE identified as having open or active orders (primarily BCAs). For 13 of the 14 orders reviewed, compliance deadlines have lapsed, or the terms of the orders were not enforceable. KDHE should take additional actions to compel these systems to return to compliance in a timely manner.
- EPA understands that KDHE does not currently employ a formal process for monitoring compliance with various types of enforcement orders. A process for monitoring compliance with enforcement orders should be established.
- EPA noted that disinfection by-product (DBP) levels in the Longton and Severy PWSs were extremely high (400 ppb or greater). These systems have been out of compliance with the DBP MCLs for a number of years. Actions should be taken to address this non-compliance.
- KDHE indicated that they did not utilize formal criteria for making return-to-compliance (RTC)

determinations for systems in violation. EPA established RTC criteria for addressing specific violations in April 2011 to assist in making more consistent RTC determinations. KDHE should adopt and utilize the April 2011 criteria for making RTC determinations.

- Recommendations described in EPA's 2007 Annual Program Review (APE) have not been implemented in some instances. The 2007 APE report recommended that KDHE revise their PWS Enforcement Policy, however this has not been completed. The Policy needs revision to be consistent with EPA's Drinking Water Enforcement Response Policy (12/09).

Please let me know if you have any questions/comments or would like to discuss this.

Scott



enforcement report2.doc

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Scott



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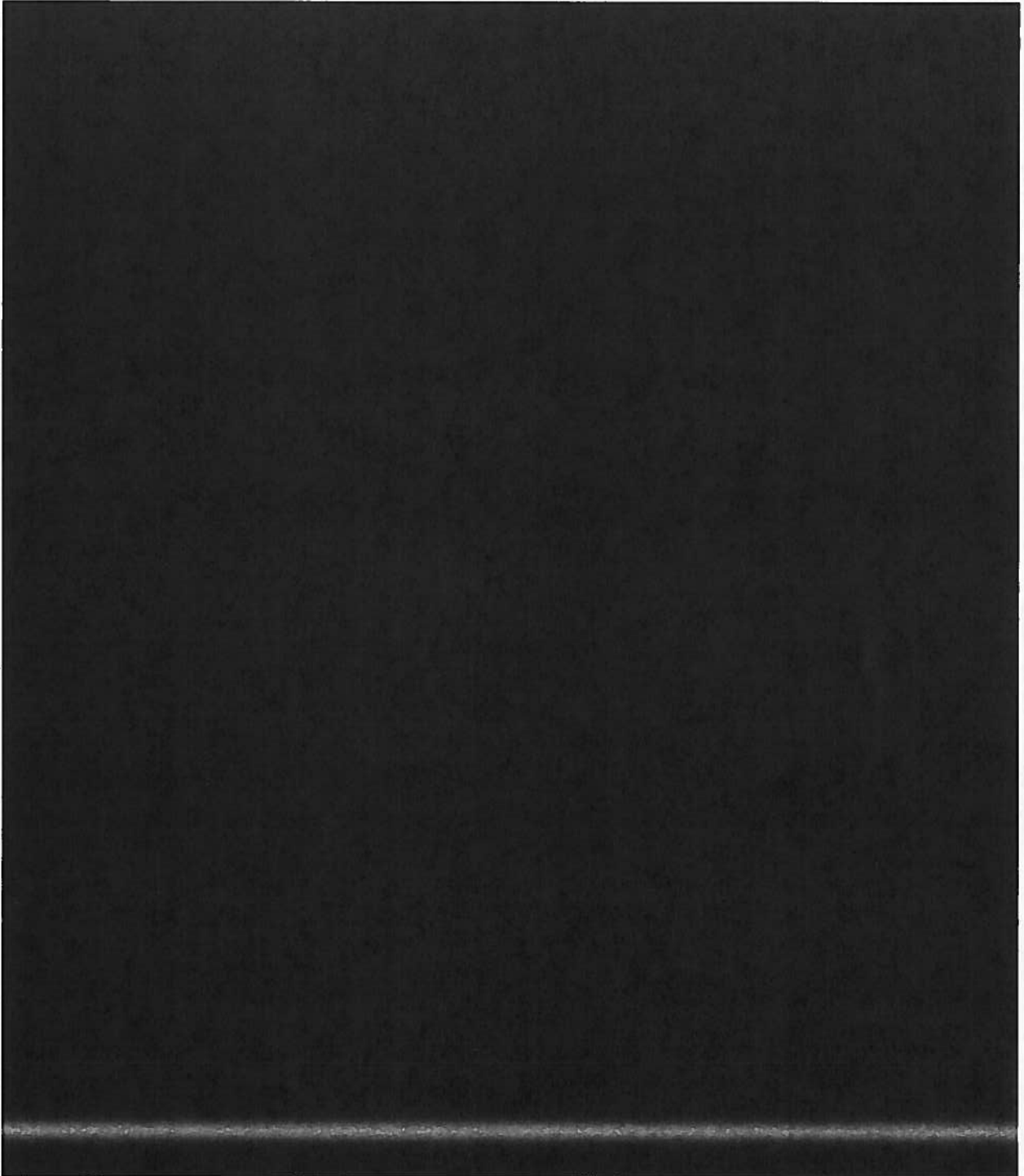
enforcement report2.doc

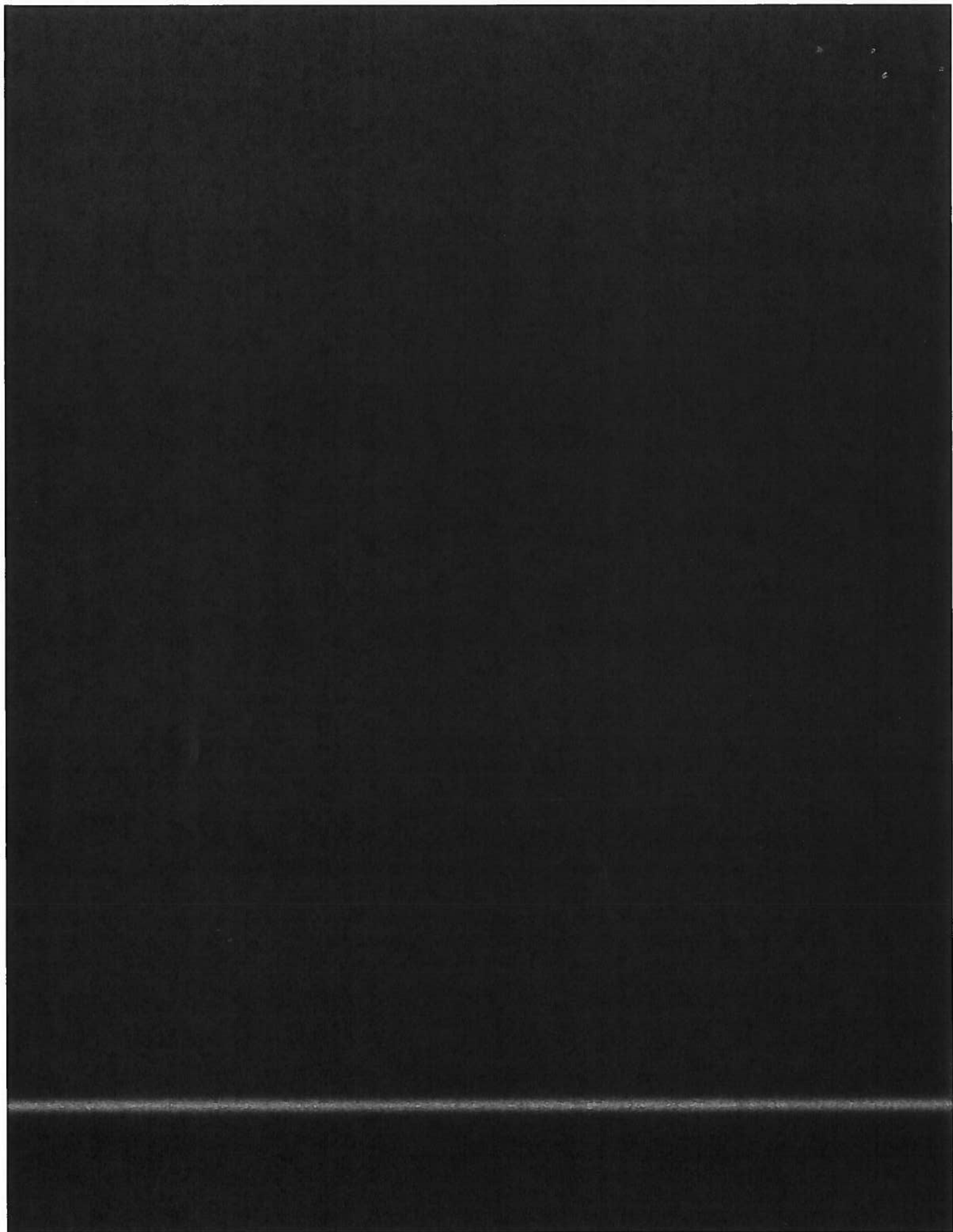
Summary of Findings

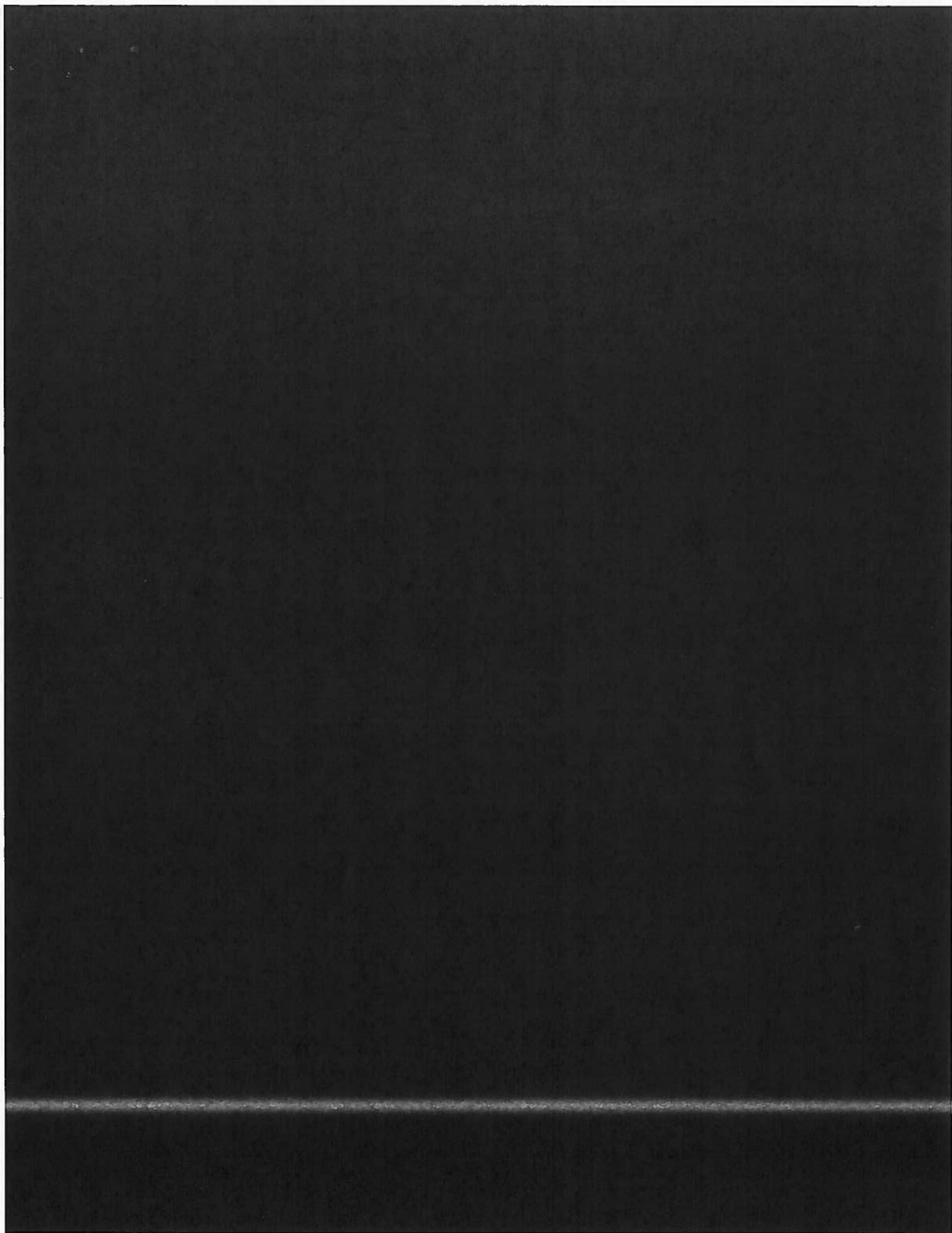
Highlights

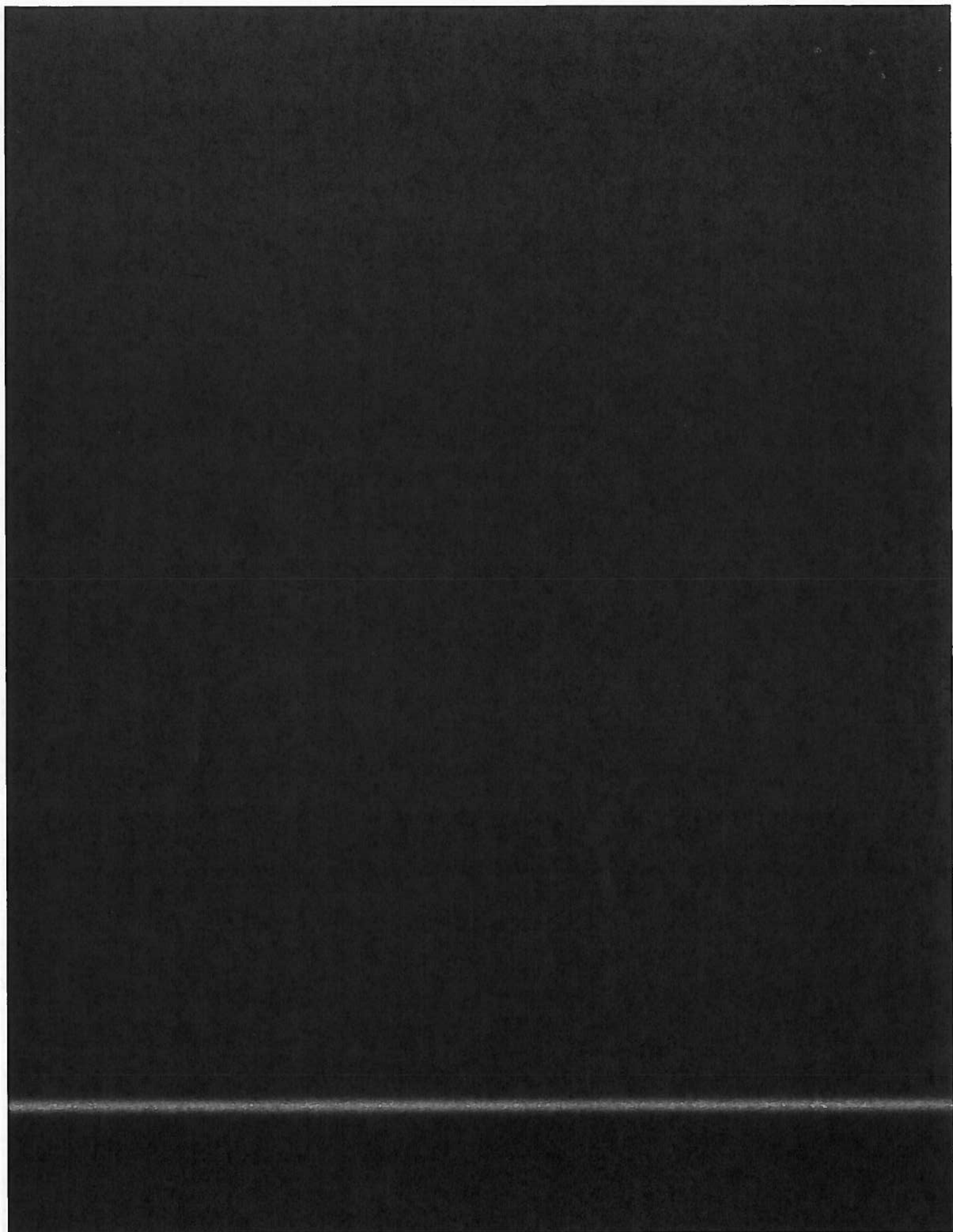
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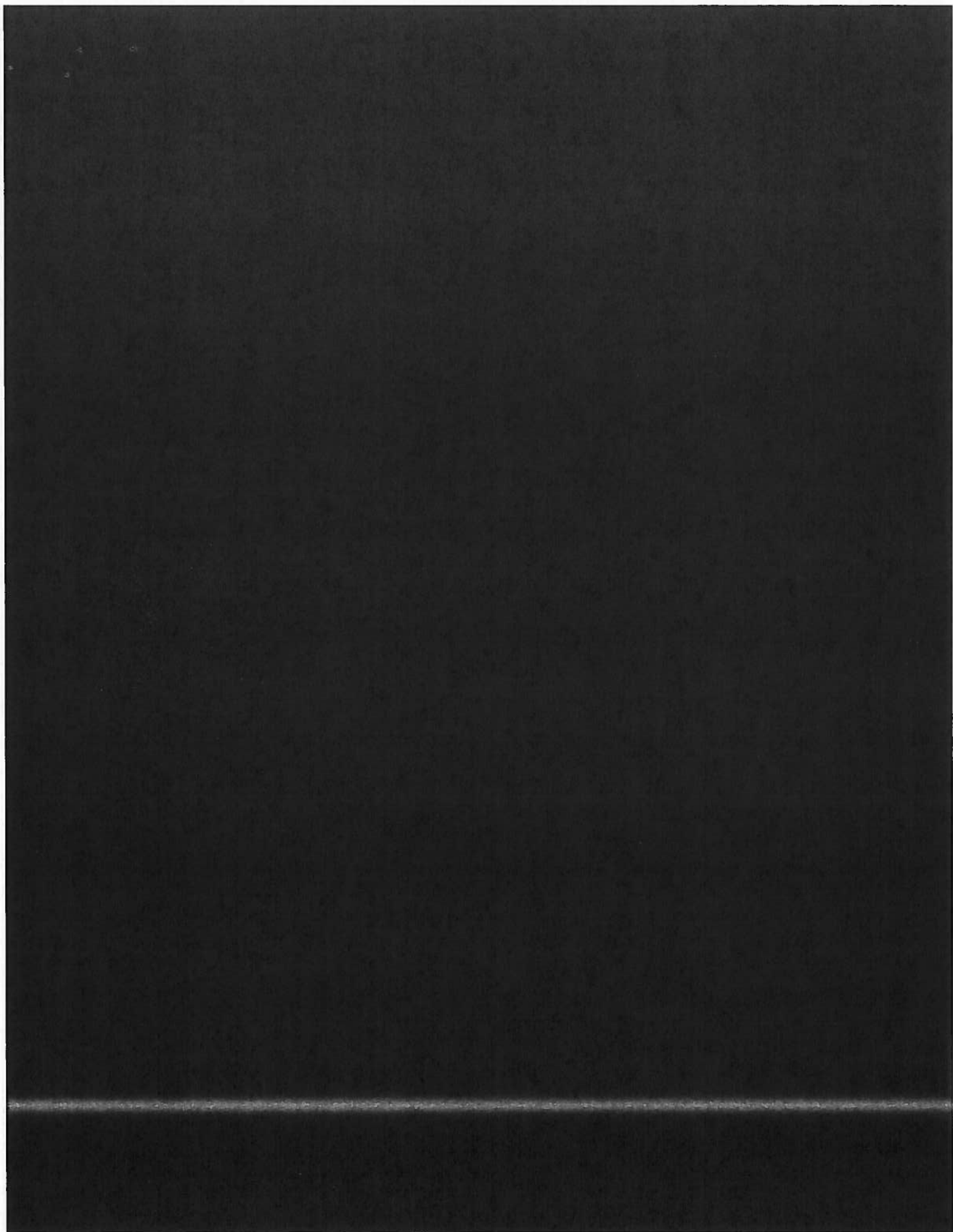
Enforcement –

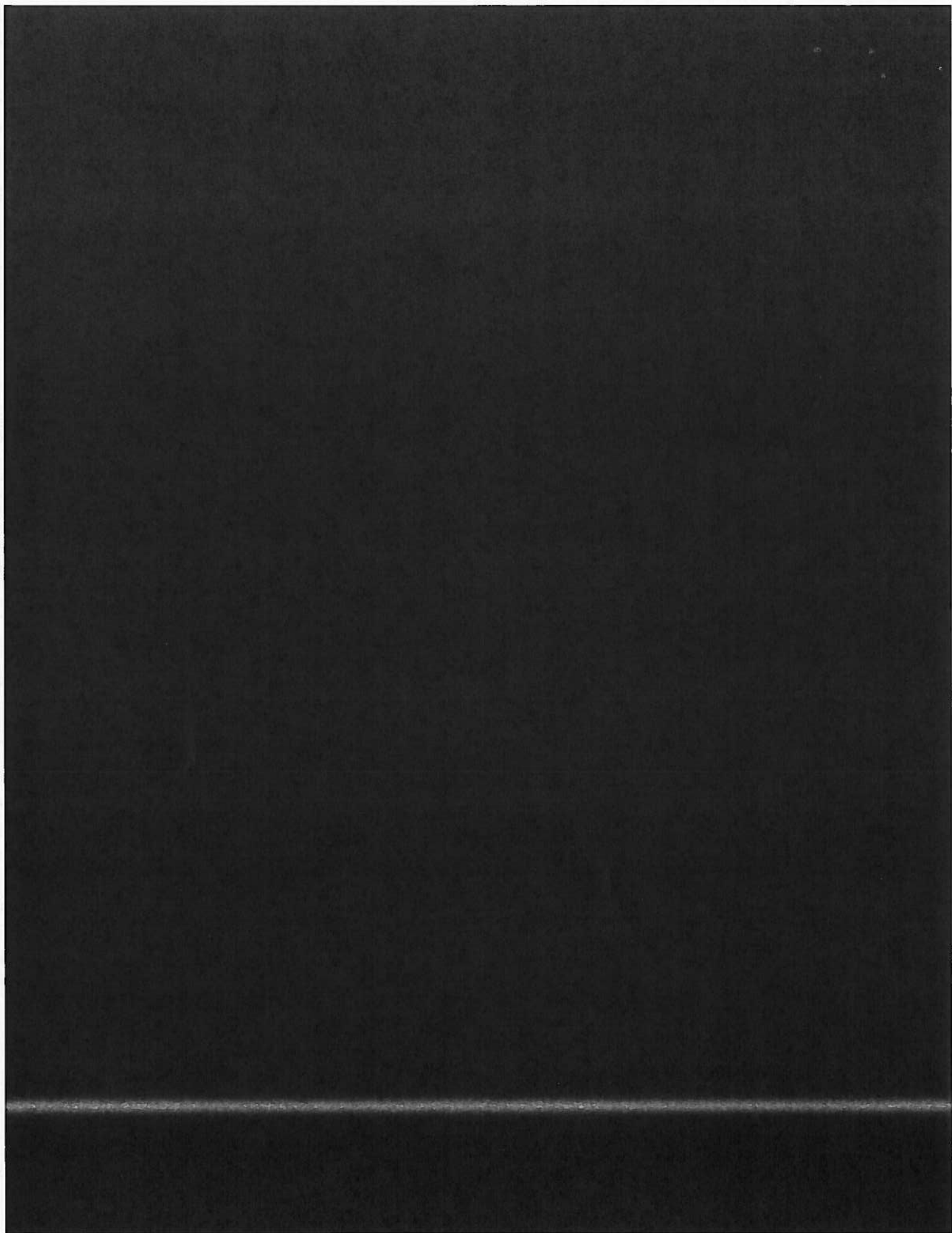


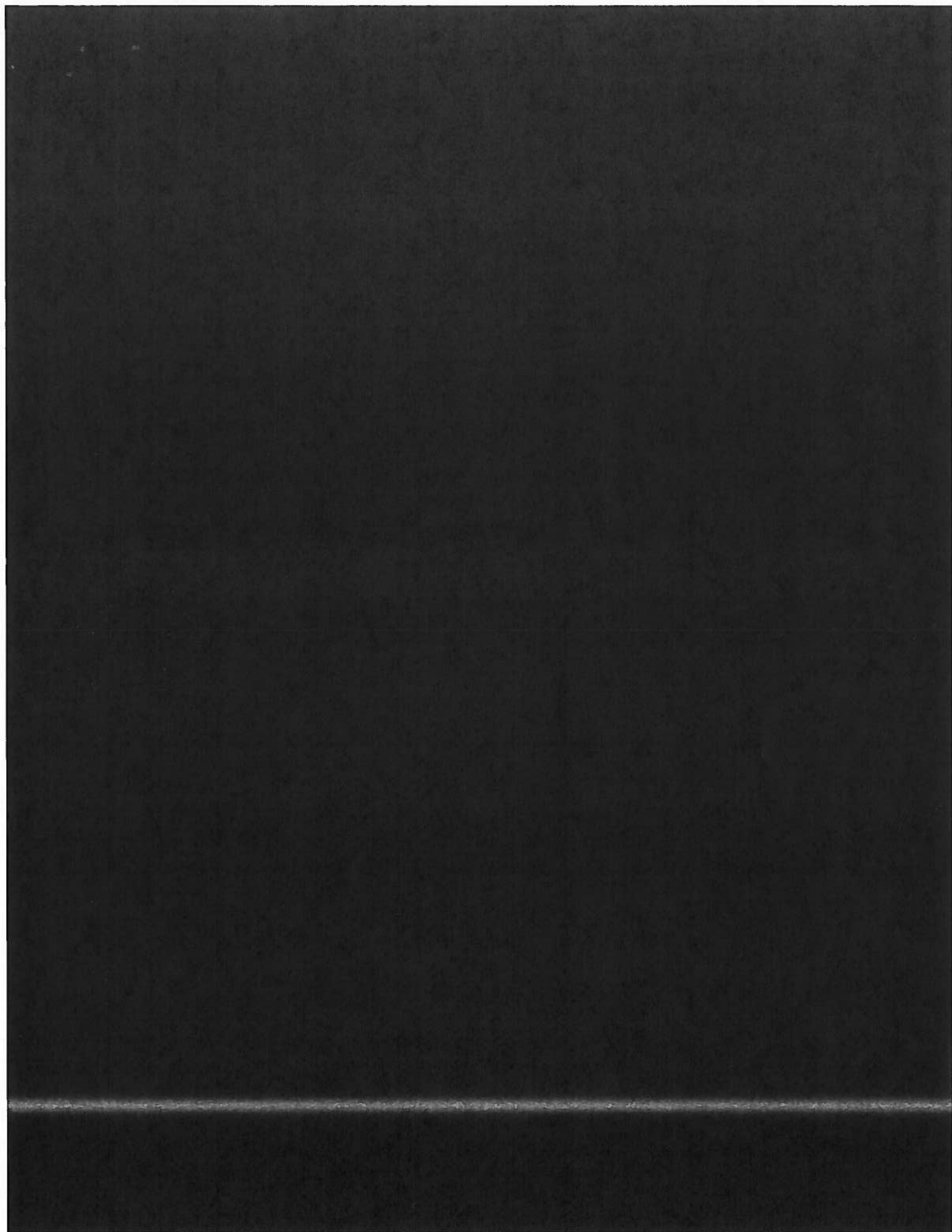


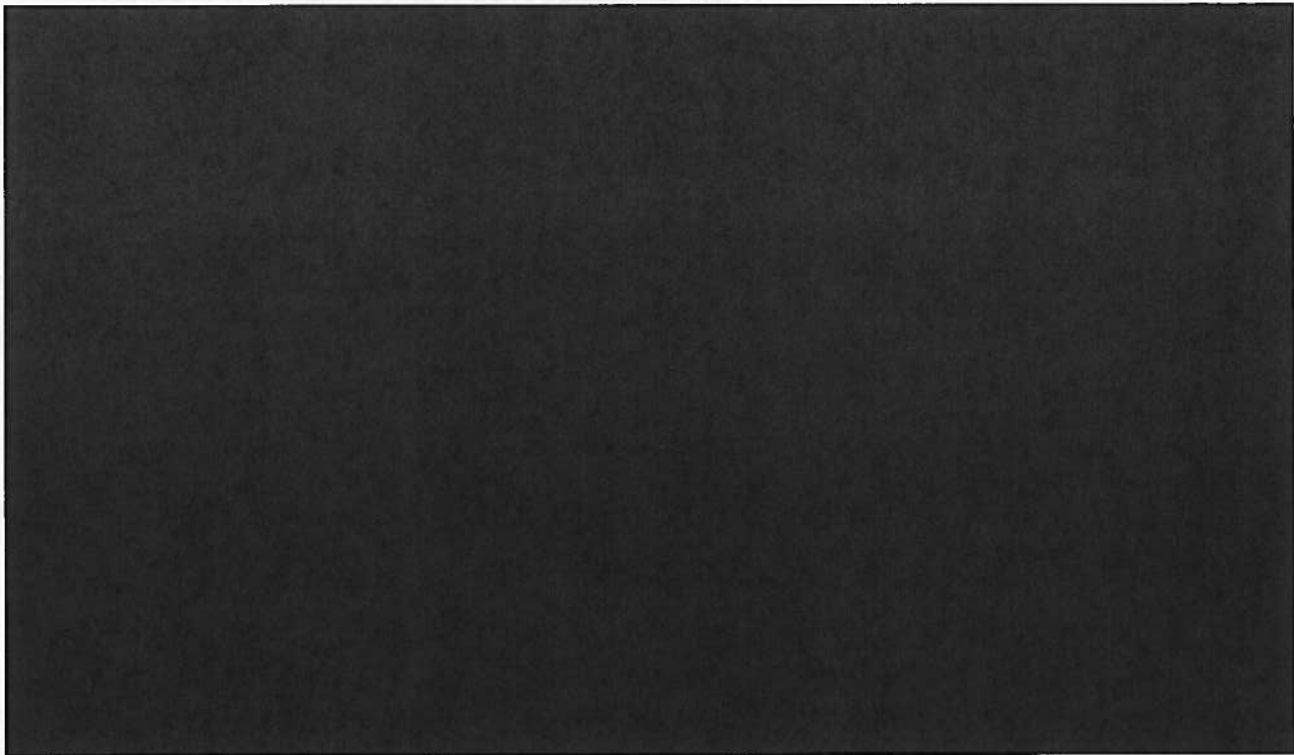




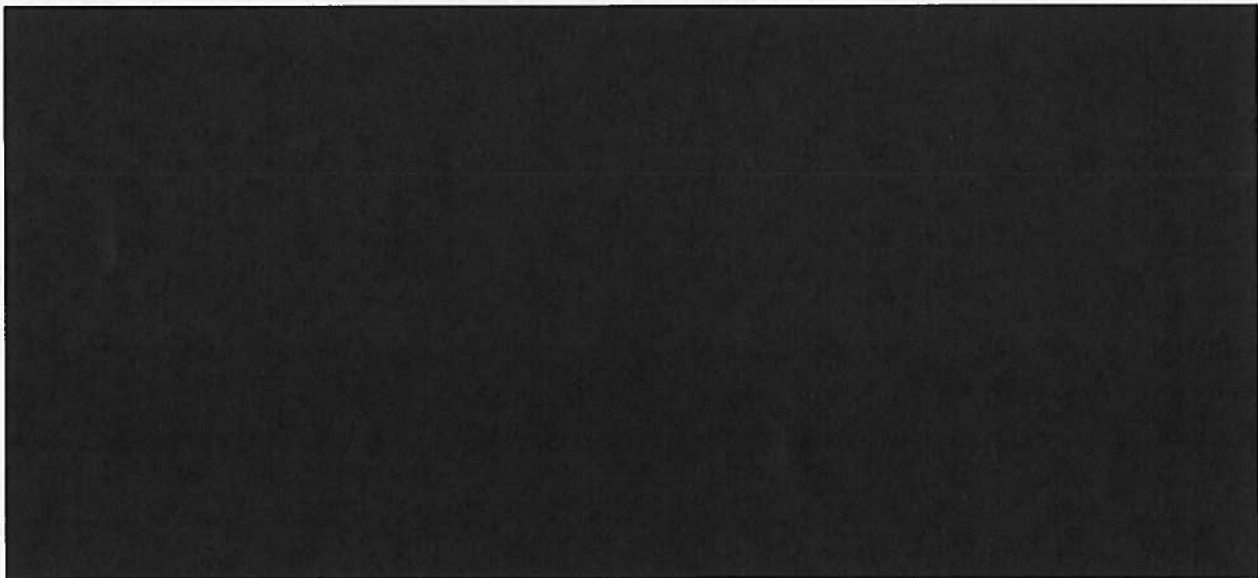








Effectiveness of Enforcement – Part 1



Some pertinent details regarding these (top 11 ETT-scoring) non-compliant systems are outlined in the table below:

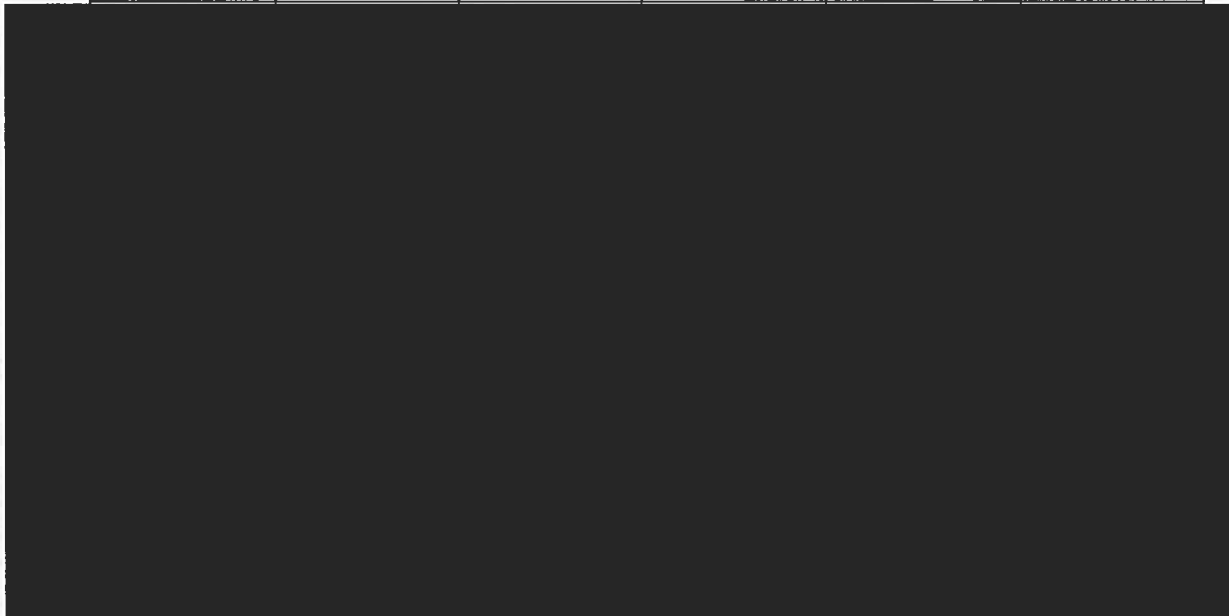
Table x – Summary of High Priority, Non-Compliant PWSs in Kansas

PWS Name	PWS ID	ETT Score	Non-	Enforcement	Current
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		(July 2011)	Compliance Driver	Action-Date	Status
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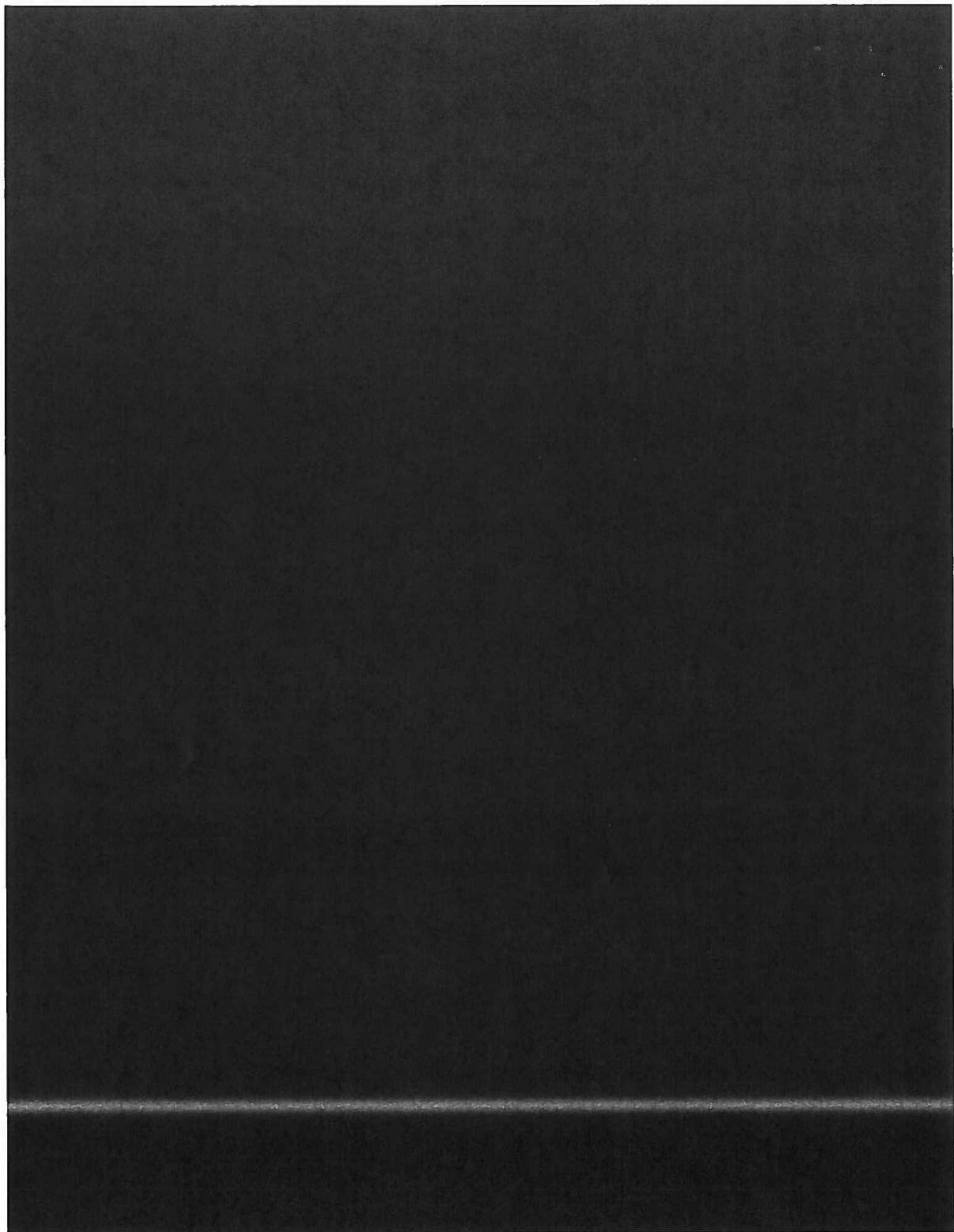
Pretty Prairie	KS2015501	133	Nitrate MCL	SFJ – 11/07	Non- compliant
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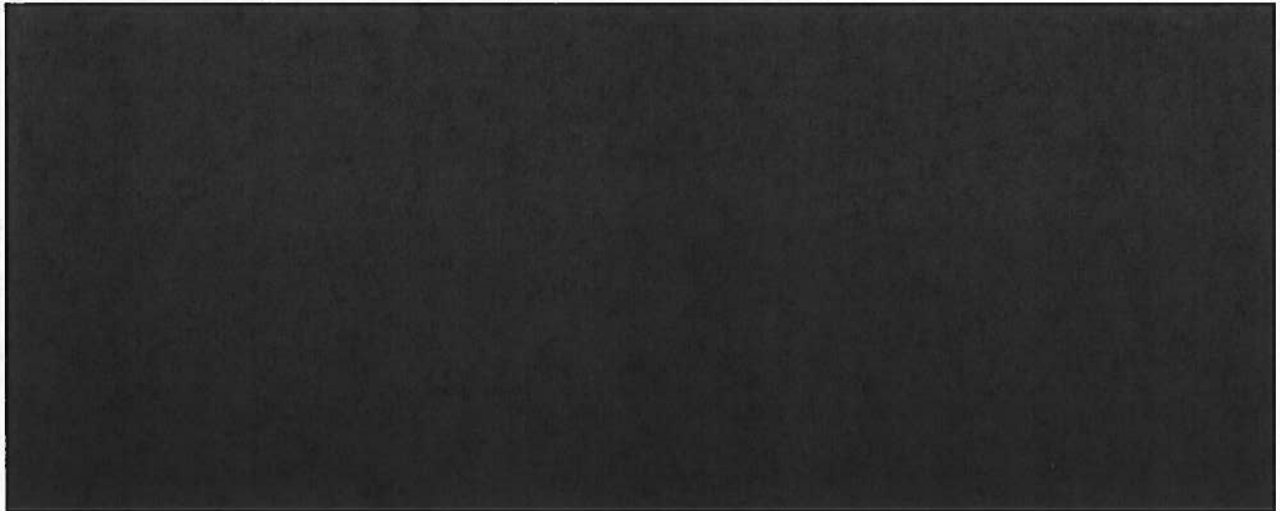


To summarize the status of these PWSs:



- Some systems are stagnant, with little progress towards resolving violations (Pretty Prairie, Conway Springs (regionalization), Sumner Co. 5 (regionalization), Mitchell Co. 3 (regionalization))

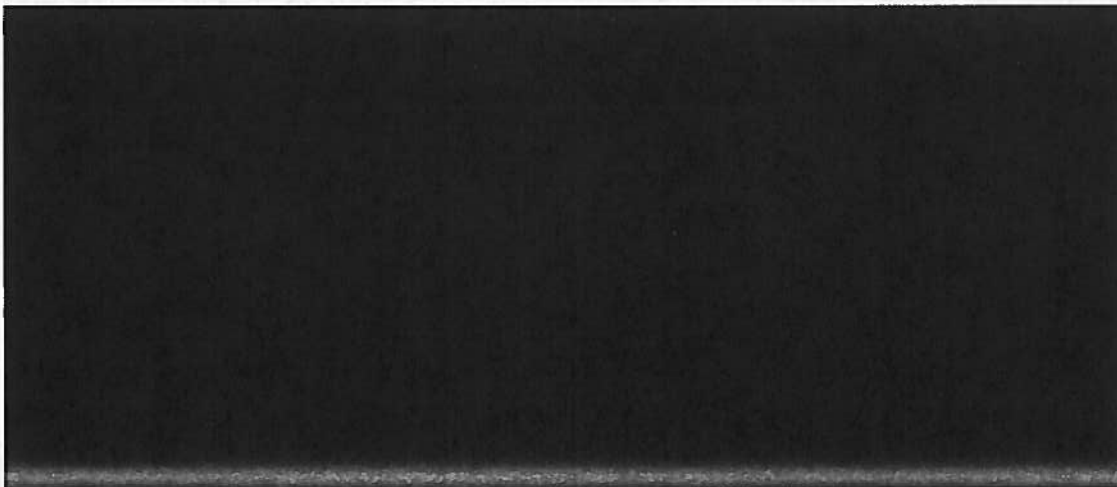


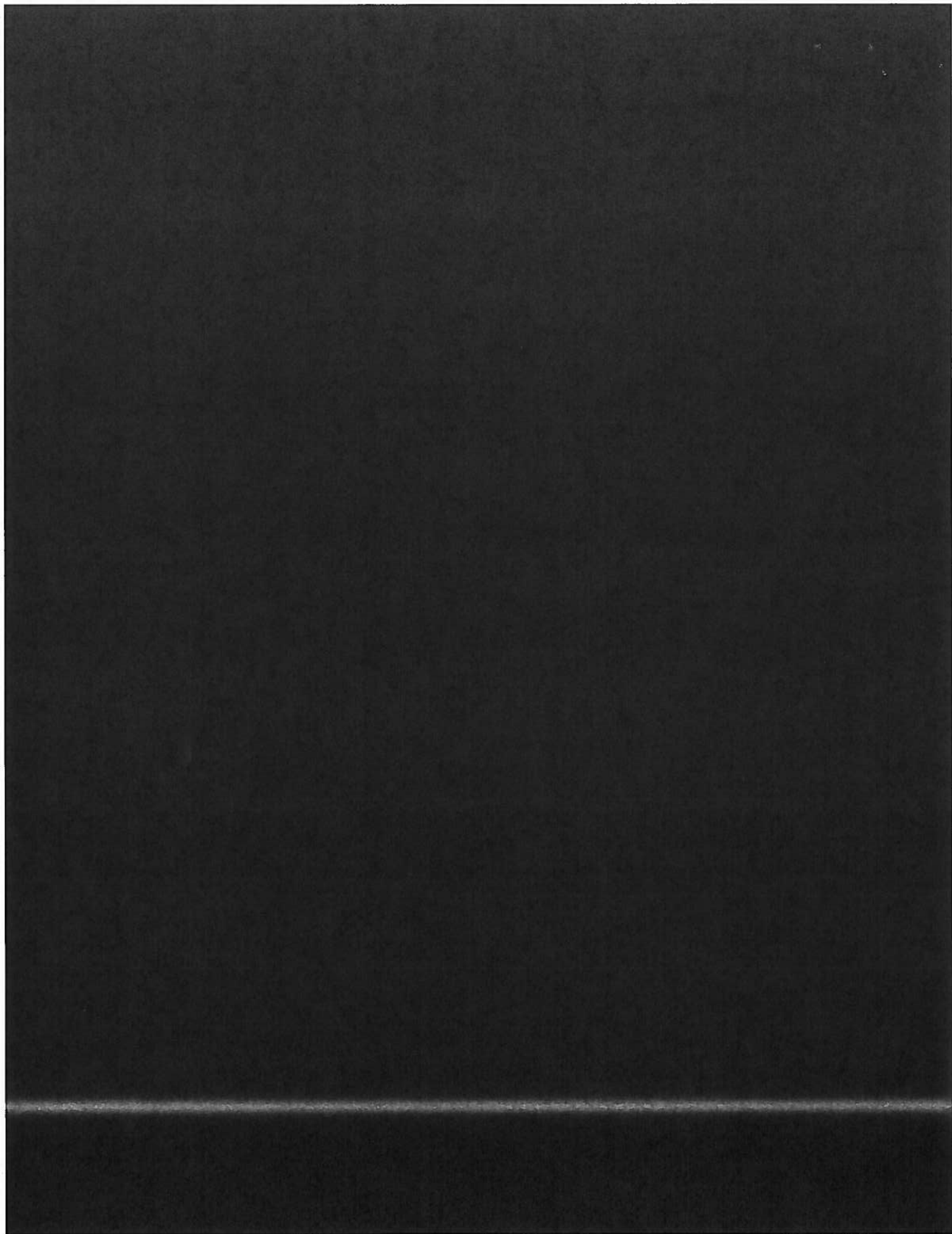


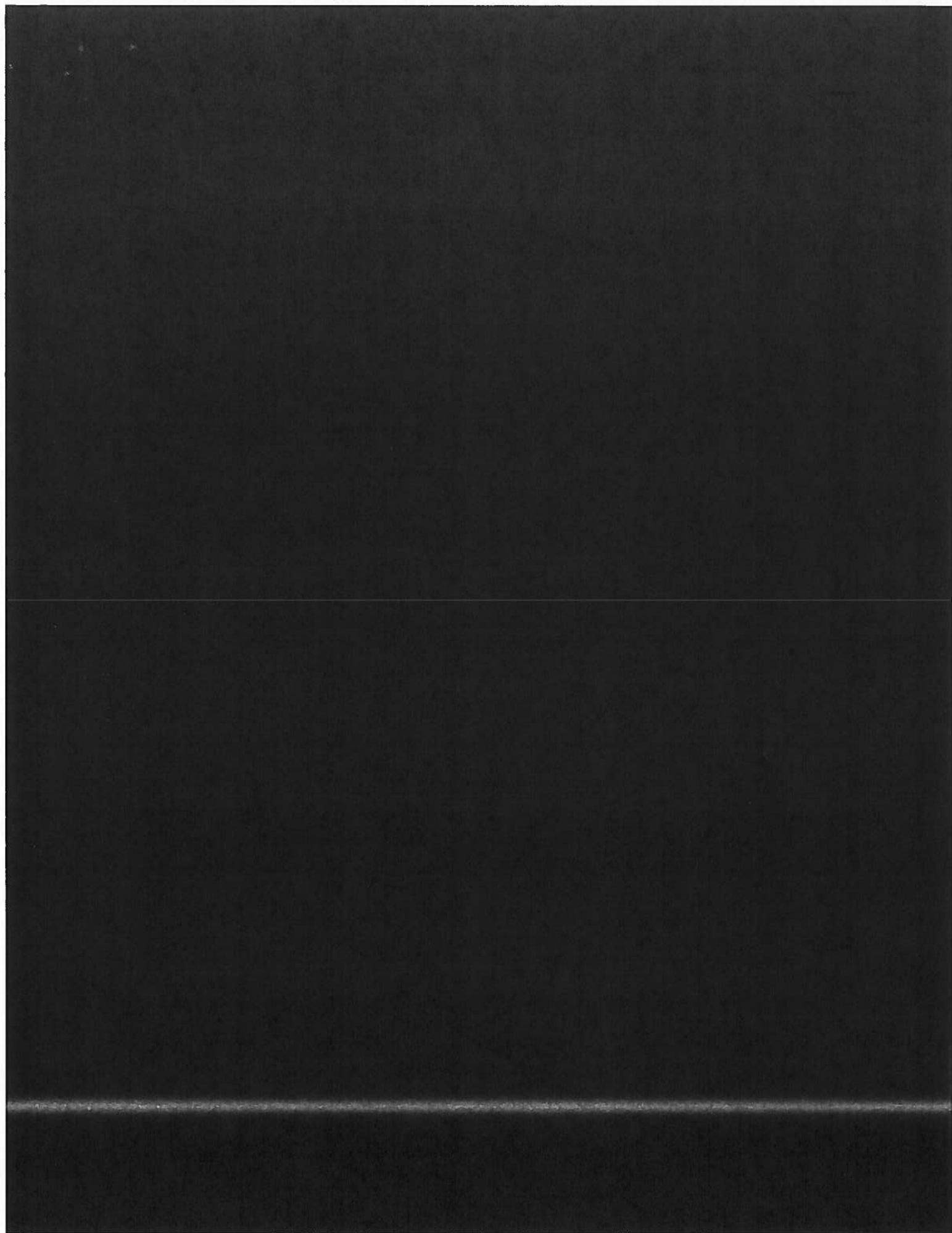
Recommendations - Effectiveness of Enforcement – Part 1

[REDACTED]

EPA acknowledges long-standing compliance issues with Pretty Prairie, which remains subject to an action based upon KDHE's now defunct "Nitrate Strategy". EPA wishes to work with KDHE to develop a strategy for returning this and similar systems to compliance.

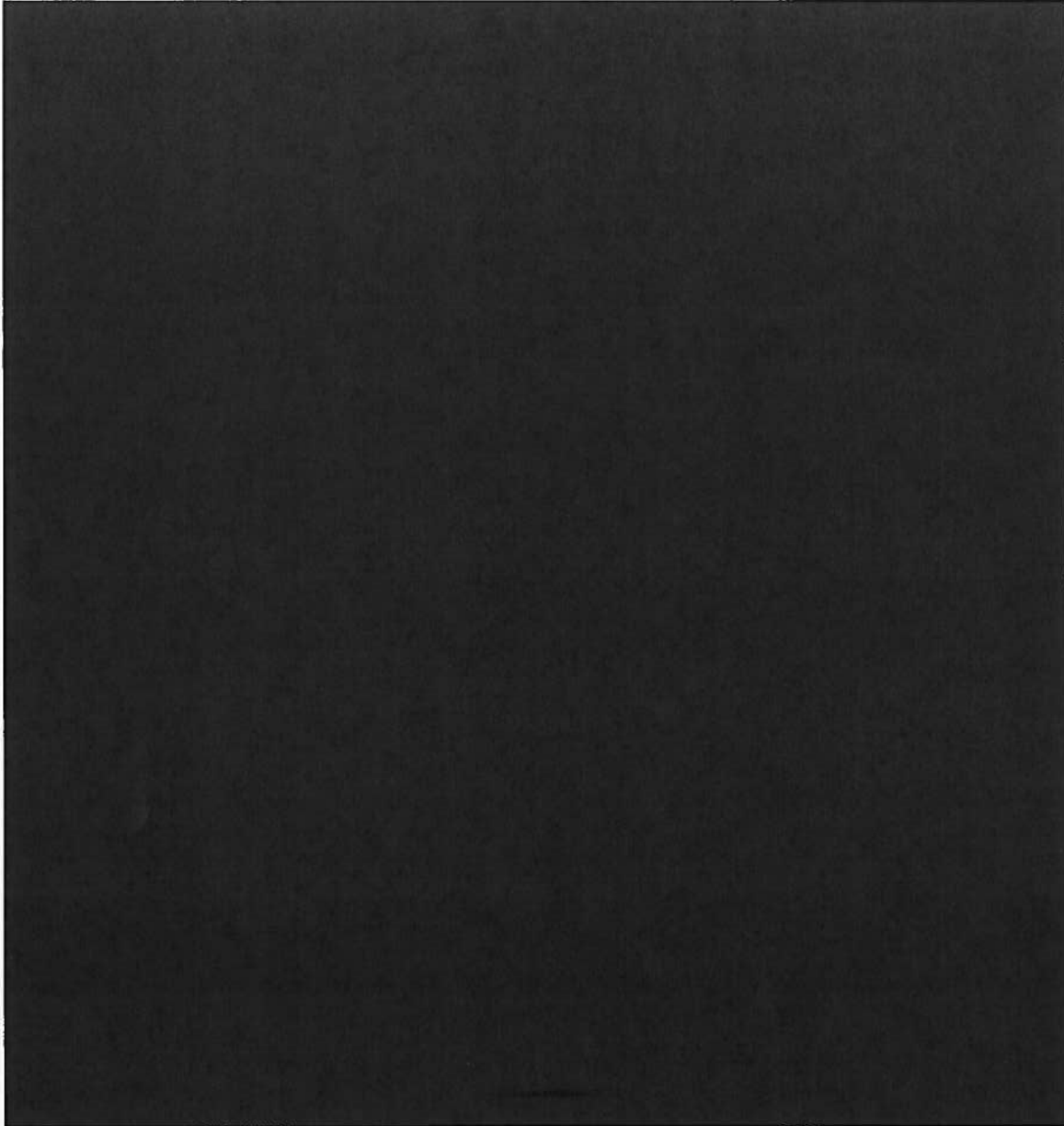






do not require that the PWS ultimately implement corrective actions to abate their violation(s).

Recommendations- Effectiveness of Enforcement Part 2



[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] As noted previously regarding Pretty Prairie, EPA wishes to work with KDHE to develop a strategy for returning these and similar systems to compliance.

